

# REMEMBERING FREEDOM SUMMER

BY CHARLES IRVIN, LEGAL DIRECTOR



1964 Mississippi Freedom Summer Volunteers and staff on stage at the 50th Anniversary of Mississippi Freedom Summer Conference Banquet on June 28th, 2014.

We remember June 21, 1964. Outsiders may know it as Mississippi Burning. Those who were forged in the struggle, who rode south, volunteered and ultimately lost their lives, know it as Freedom Summer. During this very worthy endeavor, the ACLU was right there. The Lawyers Constitutional Defense committee (LCDC) was organized by the ACLU to provide legal counsel for the many volunteers of Freedom Summer.

We remember one of our own legal hero's, Al Bronstein. For those who have carried Liberty's torch for many years, you will instantly know the name of this legal scholar. For the newer generation, Mr. Bronstein was a legal crusader, ensuring that Freedom Summer and the Civil Rights cause was not lost to the machinations of legal process. As one of the main litigators for LCDC, Al was on the ground in Mississippi throughout the year of 1964. Throughout that time, he was working to ensure that volunteers had the legal space to register voters, and that any entanglements

with the courts met a strong legal response. Here are some poignant words describing McComb, MS from his unreleased book, which paint a picture of the peril faced by those brave men and women of Freedom Summer: "In more gentile times, it [McComb, MS] had been known as the Camellia City. In 1964, however, it had been the site of so many Klan-related bombings that it was known as the bombing capital of the world."

It has become du jour to view Freedom Summer through the gallant efforts, tragedy, and with the strained view of history that often brings us full circle, but always lacking the intensity of the times. We sometimes gloss over the ugliness that led so many to become "sick and tired of being sick and tired." Mississippi, through its Citizens Councils, the Klan, and every other organism, was the belly of racial intolerance beginning in reconstruction and boiling over into the tactics of poll tax, fear, bullying, slanted legislation and yes, even murder.

In response to this, the ACLU, through LCDC and Al Bronstein, worked tirelessly to ensure a strong legal path for the foot soldiers and activists from the state and nation to push the plight of Mississippians into the national consciousness. By doing so they made the Mississippi story a story of struggle and triumph. Not just the written story of activists but also the attorneys who shaped the new laws that provided security and broke the bottleneck of slanted Jim Crow laws.

As we progress and remember successes gained as a result of Freedom Summer, let us also proceed with caution on our hearts and know that the struggle continues. Even though it is quieter, savvier and on its face much less discriminatory, the threat to constitutional rights continue to be real. We cannot go backwards. Remember Freedom Summer, remember the volunteers, martyrs, and the behind the scenes hero's like Al Bronstein. Also remember that if we do not remain diligent, we will have to fight the same battles.

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## A LETTER FROM THE EXECUTIVE DIRECTOR



### “SOMEDAY” IS TODAY!

“We shall overcome, we shall overcome, we shall overcome someday.” This was one of the songs sung by those who marched and fought for the right to be treated fairly.

The mid 1960s, especially Freedom Summer, was a tipping point in America. These times called for us to cross organizational and cultural lines to come together on one accord and demand change. Together those who sang, marched, and even sat overcame many obstacles and injustices emplaced to maintain what was referred to as “a southern way of life” and “Mississippi values” – code words for preservation of segregation and discrimination. The result of these concerted demands manifested in the form of school desegregation, the Civil Rights Act and the Voting Rights Act.

We are now 50 years past this momentous time when we saw change. We find ourselves approaching another critical time when everything we hold dear is subject to be stripped away by those holding onto divisive principles with an aim to ensure Mississippi remains a closed and non-inclusive society. We must stand to protect the right to vote, our right to express ourselves, our right to be free from governmental intrusion, our right to be free from discrimination.

If 1964 was a tipping point, today is a decisive point. “Someday” was a phrase hung on hopeful air. Because of that hope and defiance of inequality, today could be that day. The ACLU of Mississippi stands ready to fight against the turning of tide riddle with racist and discriminatory rhetoric and to move equality forward. The time is now when we can all join together and sing “we *have* overcome, we *have* overcome, we *have* overcome today!” We therefore thank you for making a decision today to join us, to continue to be a member who stands in this place in history as we say “someday” is “today.”

Sincerely,  
Jennifer Riley-Collins



Jennifer Riley-Collins with Hollis Watkins at the 50th Anniversary of Freedom Summer Conference Banquet on June 28th, 2014.

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# TANF Drug Testing Law Delayed

BY MORGAN MILLER, DIRECTOR OF COMMUNICATIONS



In a joint effort, the ACLU of Mississippi, ACLU National, and the Mississippi Center for Justice successfully delayed the implementation of House Bill 49. The law, which was scheduled to go into effect on July 1st, would require TANF applicants to be screened for possible drug abuse. Our request for the delay until after the public hearing comment period was granted on June 24th in a letter from the Mississippi Department of Human Services (MDHS). According to Mississippi Procedure Law, an agency is not permitted to adopt a law “until the period for making written submission and oral presentation has expired.” The public hearing is scheduled for Tuesday, July 22, 2014.

During the legislative session, we, along with our allies, strongly opposed the passage of the HB 49 as it could disproportionately impact poor children and communities of color. Now that the bill is law, although postponed, we want to make sure that all the provisions in this new law are well defined. We identified legal and practical problems with the bill. As written, the rules make it uncertain who will shoulder the costs of the drug screening as well as the drug treatment. It fails to address the negative impact on households and children when individual TANF recipients are unable or fail to comply with the screening requirements. The rules further do not provide privacy protections.

If these concerns are not addressed, Mississippi’s most vulnerable children are at risk. The bill was rushed through to approval with little thought given to how it would affect the families receiving TANF benefits. The public has the right to engage in the functions of

government and any opportunity to ease the burden on our most at risk citizens. We hope that addressing the concerns in this misguided policy will help protect low income Mississippians receiving these public benefits. Please join us on July 22nd!

**“If these concerns are not addressed, Mississippi’s most vulnerable children are at risk.”**

## PROTECTING THE RIGHTS OF DETAINEES WITH DISABILITIES

BY BRIDGETTE MORGAN, STAFF ATTORNEY

In April this year, we discovered that the Hinds County Detention Center did not have a TTY accessible line as required by law in TITLE II of the Americans with Disabilities Act (ADA). TTY is an acronym for “teletypewriter” or “text telephone.” A TTY is a special device that lets people with a hearing disability or speech impairment communicate, by allowing them to type text messages. A TTY is required at both ends of the conversation in order to facilitate communication.

We had concerns for those detainees with a hearing disability or speech impairment and had no access to communicate by telephone. We demanded Hinds County Detention Center comply with TITLE II of the ADA by acquiring a TTY line and device and train their staff on how to operate a TTY line/device. The ADA coordinator and ACLU of Mississippi worked closely together to ensure that the installation of the TTY line in Hinds County Detention Center was fully compliant with state and federal law.

In May, we received a letter from the Hinds County Administrator stating that TTY devices had been installed at all three of the Hinds County detention facility locations. Detainees with a hearing and/or speech impairment now have the ability to communicate with their family and friends. The ACLU of Mississippi and the affected detainees are especially pleased with Hinds County’s timely response and due diligence of such a sensitive matter. We will continue to make sure detention facilities across the state create equal opportunity for detainees.

**Public Hearing on  
Drug Testing  
TANF Recipients**

**Tuesday, July 22, 2014  
9:00 a.m.  
1735 Wilson Blvd.  
Jackson, MS 39204**



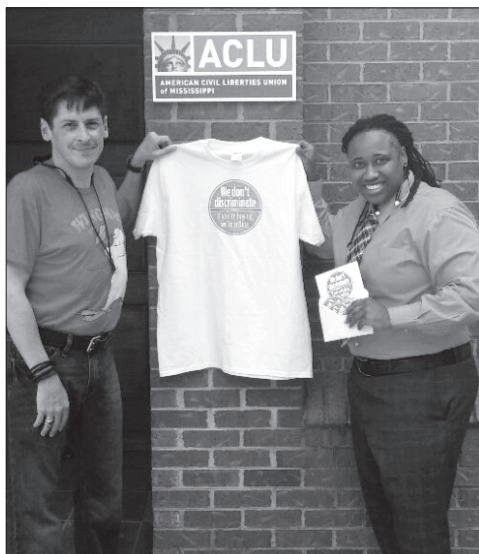
# ACTION DOCKET

## VOTER PROTECTION, WAR ROOM READY!

Voting is a fundamental right. To protect this right, the ACLU of MS has begun a public education campaign, both in-person and online, to ensure Mississippians are informed of their rights and about the new Voter ID law. During the hotly contested primary and run-off elections for the United States Senate seat, the ACLU of MS established a statewide voter protection hotline. These were the first elections under the new voter ID law. Thanks to the entire staff, a rapid response team of interns and legal staff were able to set up a war room and maintain a state of readiness. We will continue to monitor elections and provide a hotline to answer the request for assistance of the voters.

## RIGHT TO BE FREE TO BE ME!

This is the ACLU of Mississippi's position when it comes to J.B., a transgender man who would like to have his birth certificate and driver's license changed to reflect his gender identity. We are partnering with the ACLU of South Carolina and the ACLU LGBT Project to assist J.B.



Advocacy Coordinator, Constance Gordon, showing the ACLU of Mississippi's support for the "If You're Buying, We're Selling" sticker campaign.



Legal Director, Charles Irvin, speaking at the Human Rights Campaign press conference about their investment in LGBT equality work in the South with Project One America.

## NON-VIOLENT OFFENDERS SEEK HEARING FOR EARLY RELEASE.

On June 26, along with the Southern Poverty Law Center (SPLC), the MacArthur Foundation and other allies, we filed our first set of cases in Hinds County on behalf of 30 non-violent offenders seeking early release under a section of the law commonly referred to as HB 585. The law provides that non-violent offenders who have served 25% of their time are able to seek a hearing before their sentencing Judge or the Senior Judge/Assigned Judge if their sentencing Judge has retired, to determine whether they are eligible to go before the Parole Board and seek early release. Mississippi has the 2nd highest prison population in the country and hopefully we will begin to reduce this population through these efforts.

## TRANSGENDER GRADUATE ALLOWED TO WEAR SLACKS.

The threat of the ACLU of Mississippi intervening on behalf of C.H., a 17 year old graduating senior who had been denied the right to wear slacks under his graduation gown, caused the school to rethink their position. The school has no policy relating to gender based dress for graduation. C.H. identifies as male and did not have any problems throughout the school term wearing clothing that reflects his gender expression. When it came time to graduate, school officials attempted to infringe on C.H.'s right to expression. After school administrators found out the ACLU of Mississippi was monitoring their response to C.H.'s request to wear slacks, they changed their mind.



# FROM OUR DR. L.C. DORSEY SUMMER INTERN

BY CARON BYRD

As a young girl, I heard about how vital the ACLU is in fighting for public policy changes in Mississippi. Inspired by the need for progress in matters affecting the youth and criminal offenders where their rights and freedoms may be denied, I wanted to be a part of the ACLU of Mississippi to learn more about its role in the legislative process and efforts to better serve communities. The opportunity has presented itself in my being selected as the inaugural Dr. L.C. Dorsey Summer Intern. As I walked the halls of the Mississippi State Capitol building 50 years after Freedom Summer, I am humbled to receive this internship honoring the legacy of Dr. Dorsey and her efforts to advance civil rights in Mississippi.

My internship is under the direction of Attorney Joi Owens, the ACLU's Legislative Strategist. The work in which Attorney Owens is involved has enabled

me to grasp a hands-on approach to legal strategies and how policy advocacy is used to reform critical institutions such as education and the criminal justice system. This internship has increased my knowledge and understanding of public policies and furthered my interest in a non-profit legal career. I am interested in how elected officials and the many interest groups compare "successes" and "failures" in terms of Mississippi's public policy and legislative processes.

As a rising junior philosophy major with a double minor in political science and gender and women's studies at Birmingham-Southern College, my areas of concentration are ethics in moral philosophy and comparative politics. This summer's experience with the ACLU has been enlightening when thinking of what lies ahead for drafting impactful legislation. As I continue to prepare for law school, I am now more aware of the



L.C. Dorsey intern, Caron Byrd, at the Mississippi State Capitol with visiting students attending the Freedom Summer Youth Congress.

laws and policies needed to better the lives of minorities, women and children. I thank the ACLU and the family of Dr. L.C. Dorsey for allowing me to learn these valuable professional and personal skills while motivating me to continue to push for justice and equality for all citizens.

## INTERNING AT THE ACLU OF MISSISSIPPI

**Jon Gosnell**

University of Mississippi School of Law  
Ridgeland, MS

I have had an interest in civil rights issues and politics in general since high school. I did not get to do much extracurricular work in undergrad, but near the end of my first year at law school, the ACLU was tackling an area of interest, religious refusals. On a daily basis, we have dealt with several issues exposing me to many aspects of law including criminal justice, administrative law and disability law. This opportunity has taught me much in a short time.

**Nikita McMillian**

Mississippi College School of Law  
Grenada, MS

I wanted to intern at the ACLU because I value the organization's mission of defending the civil liberties of all Mississippians. Coming from a small town and working class family, I know that many citizens are disproportionately impacted by the law. These same individuals have little access to legal resources. Having this

knowledge, I developed an interest in public interest law and wanted to gain experience in that practice area. This summer, I was afforded the opportunity to get direct experience in administrative law related to TANF drug testing implementation and conducted client interviews with non-violent offenders who may qualify for early release under HB 585. Extending myself to the work of the organization has provided me with knowledge that I will carry throughout my legal career.

**Rita Santibanez**

Mississippi College School of Law  
Salem, OR

From the first day of law school I have had a firm idea that I would use my law degree to give a voice to the voiceless and represent the invisible and sometimes forgotten people of society. Through my leadership role in the Public Interest Law Group on campus I came to learn more about what the ACLU does and specifically what they do here in Mississippi. Everything they represent and everything that they fight for seemed to



Our summer legal interns, from left to right, Rita Santibanez, Jon Gosnell, and Nikita McMillian.

represent that firm idea I held for myself so perfectly. This summer we began the assessment of access to quality healthcare for incarcerated women in Mississippi. What better way to learn the skills and strategies for changing the world than to help and be a part of an organization like the ACLU.

# 2014 NOMINEES FOR BOARD OF DIRECTORS

The Nominating Committee of the Board of the ACLU of MS presents the following 13 names in nomination as candidates for the 10 ACLU of Mississippi Board and 2 At-Large Foundation Board positions required to be filled in the present election. Additional nominations from among the members of the Affiliate may be made by petition of not less than three members upon delivery of such petition to the Board Secretary, Charles Williams, P O Box 8235, University, MS 38677 postmarked no later than July 29, 2014.

Please look for your ballot in the mail in early August. You may vote in person at the annual meeting or by mail to be received at the office of the ACLU of MS prior to September 6, 2014.



**Dorothy Abbott** is an award-winning writer, journalist, editor, radio producer, and global activist. She is the former assistant director of the literature program

at the National Endowment for the Arts and the author of eight literary anthologies. She is cofounder of the Women's Media and Technology Fund and her radio productions have been heard on National Public Radio and other stations across the country. She produced and hosted The Women's Show, a feminist radio program, and was executive director of the Tampa Lesbian and Gay Film Festival.



**Melanie Deas** is a founding board member of Equality Mississippi, a state-wide organization dedicated to promoting social justice and equality

for all LGBTQ individuals. She serves as Executive Director of Link Centre in Tupelo, MS and is former Vice President of Literary Managers and Dramaturgs of the Americas. Melanie received her AB in History and Literature from Harvard and her MFA training in Dramaturgy and Dramatic Criticism at the Yale School of Drama.



**Mary L. Figueroa, MSW** has served as the Director of Special Projects, Social Worker and Executive Assistant for the Family Health Center, in Laurel, MS

since 1999. She works closely with agencies

such as HRSA, the State Department of Health, and local and tribal governments. She earned a Masters Degree in Social Work from the University of Mississippi in 2006, and is currently a Doctoral Candidate at Jackson State University.



**Andy Guerra** currently serves as Executive Director of the Gulf Coast Latin American Association, which focuses on education, outreach, and rights

issues affecting Latinos. Once a Deputy Sheriff, Andy is now a liaison for the Latino community to local law enforcement agencies and court systems in Harrison and Jackson County. Andy served in the U. S. Army and National Guard for 20 years and was the first Latin American male recruiter for Mississippi. He was nominated to the National Hispanic Leadership Committee and is recognized as one of Mississippi's prominent young Latino Community Leaders.



**Laura Martin** is a Project Manager at the McLean Institute for Public Service and Community Engagement, whose mission is to fight

poverty through education in Mississippi. Laura served as Legislative Director for a member of the Texas House of Representatives and as a Policy Analyst at the ACLU of Texas. Laura holds dual undergraduate degrees in Hispanic Studies and International Relations from Brown University and a Master of Public Affairs degree from the University of Texas.



**Dr. Olga Osby, DSW**

earned her Master of Social Work and Doctor of Social Work degrees from Howard University in Washington, D.C.

Currently she is an Associate Professor at Jackson State University. Dr. Osby is the 2013 recipient of the Delta Sigma Theta, Sorority, Inc., Distinguished Professor Endowed Chair Award. She currently serves on the Commission on Conferences and Faculty Development for the Council on Social Work Education and as the Affiliate Representative to the National Board of the ACLU.



**Eddie Outlaw** is the co-owner of the William Wallace Salon in the Fondren area of Jackson, MS with his husband, Justin. Eddie is one of the most vocal

advocates for the LGBTQ community in MS. He brought attention to the passage of the "religious freedom" bill and pushed forward a successful campaign for LGBTQ supportive business owners with the "If You're Buying, We're Selling" sticker. Eddie and Justin are featured in a documentary, "A Mississippi Love Story," about their efforts to bring marriage equality to MS. Eddie's work is also featured in the anthology "The Queer South: LGBTQ Writers on the American South."



**Dr. Ravi K. Perry**

holds a B.A. from the University of Michigan and a M.A. and Ph.D. from Brown University. Dr. Perry is Assistant Professor

of Political Science and Stennis Scholar for Municipal Governance at Mississippi State University. He is currently Vice President of the National Association for Ethnic Studies, Secretary of the Section on Race, Ethnicity and Politics for the American Political Science Association and a member of the Executive Council with the National Conference of Black Political Scientists. His commentary has been featured in national



media outlets such as CNN, MSNBC, The Huffington Post, NPR, and USA TODAY.



**Dan Roach** is a lifelong resident of Jackson, MS with a total of 22 years of experience in education. Dan is currently a teacher, coach, and Upper

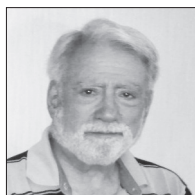
School Dean of Students at St. Andrew's Episcopal School. He graduated from Sewanee: The University of the South and received his Master's in Political Science with a focus on the U.S. Constitution and Constitutional Law from Jackson State University. He joined the ACLU of MS Foundation Board in the fall of 2013.



**Julie Schroeder, MSW PhD** is an Associate Professor of Social Work at Jackson State University, where she teaches masters and PhD level courses. Dr.

Schroeder earned her Master of Social Work degree from the University of Illinois and her PhD from Tulane University. Dr. Schroeder is a well-published academic author whose

work has been referenced by experts in forensic psychology and psychiatry, law, ethics, criminal justice and social work.



**Dr. Stephen Silberman** received his dental and public health education at Tufts and Harvard Universities. He was one of the original faculty at

UMMC School of Dentistry and was Chair of the Department of Diagnostic Sciences. During his final years at UMMC, he was Executive Director of the Mississippi Area Health Education Center. He has served on the affiliate board of ACLU-MS for over 30 years and has held the positions of president, vice-president, executive committee member and representative to the national board.



**Alison Steiner** arrived in Mississippi with a University of Michigan law degree and immediately joined the ACLU of MS. For over 25

years of private practice, she specialized in criminal defense and plaintiffs' civil rights,

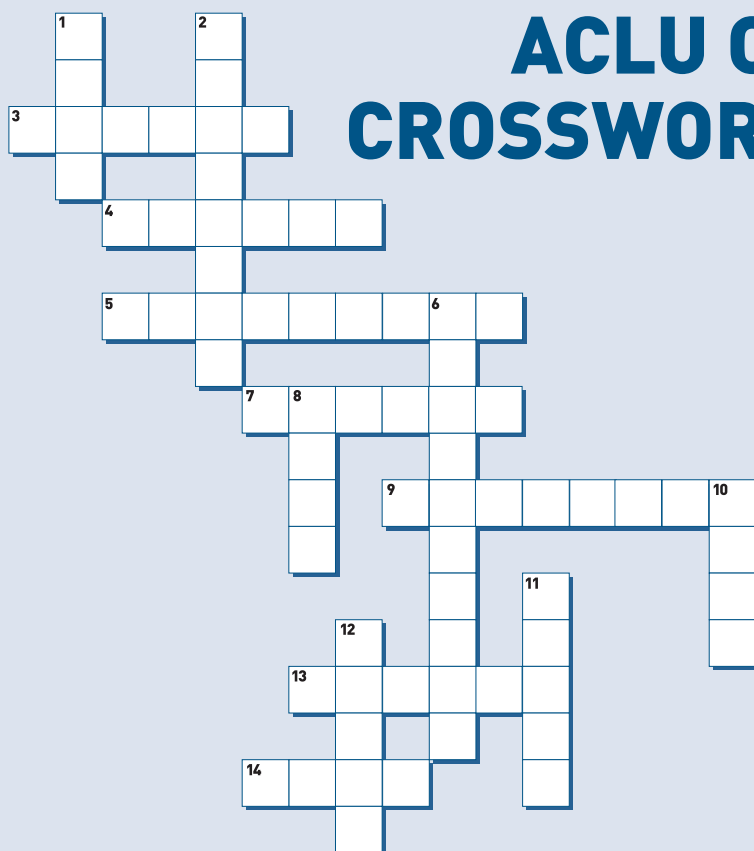
civil liberties and employment litigation. She has been cooperating counsel for the ACLU and has served on the Mississippi ACLU board since 1984. From 1999 until 2013, she was also Mississippi's representative to the ACLU National Board. Alison currently serves as President of the ACLU of MS Board of Directors.



**Cassandra Welch** is a native Mississippian and change agent for low wealth communities of color. She graduated from Jackson State University and is a licensed Social Worker.

Cassandra received her Master's Degree from Brandeis University in the Heller School for Social Policy and Management. For the past 7 years, she has worked to develop strategies and create opportunities to address the social, political, economic and ecological injustices in low wealth communities of color. Currently she is a policy and advocacy consultant managing the Child Care Matters Campaign for the MS Low Income Child Care Initiative.

## ACLU OF MS CROSSWORD PUZZLE



### ACROSS

3. Lieutenant Governor
4. \_\_\_\_\_ Core: related to education
5. Medical: A bill introduced by Rep. Peake
7. Wanted 'In God We Trust' on state seal
9. Last Day of the Session
13. Number of weeks at which abortion is now banned
14. What public benefit recipients are now required to be drug tested

### DOWN

1. Fully funded only twice since formula enacted
2. Aspiring Americans who request MS enact tuition equity law
6. Offenders eligible under HB585 to apply for early release
8. Acronym for Religious Freedom Restoration Act
10. MDOC Commissioner
11. Senator and Chair of MS Legislative Black Caucus
12. MS ACLU Legislative Strategist

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SEPTEMBER 6, 2014

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DOWNTOWN JACKSON,  
MISSISSIPPI

2014 Annual Dinner

AMERICAN CIVIL LIBERTIES UNION OF MISSISSIPPI

ANSWERS TO CROSSWORD PUZZLE: ACROSS 3) Reeves 4) Common 5) Marijuana 7) Bryant 9) Sine – Die 13) Twenty 14) TANF  
DOWN 1) IDEA 2) Dreamers 6) Nonviolent 8) RFRA 10) Epps 11) Wayne 12) Owens



# It's Time for an Inclusive Mississippi

BY REBECCA CURRY, DIRECTOR OF POLICY AND ADVOCACY

Mississippians identifying as lesbian, gay, bisexual, and transgender (LGBT) face harassment and discrimination. Without legal protections at the federal or state level, LGBT individuals are often denied job opportunities, fired from employment, excluded from housing, and refused service at businesses open to the public.

At the federal level, the Employment Non-Discrimination Act [ENDA] was proposed to prohibit employment discrimination on the basis of sexual orientation and gender identity. It passed the Senate with bipartisan support, but the House of Representatives did not vote, and it seems unlikely that ENDA will become law in 2014. In the absence of federal law, many states have enacted local non-discrimination provisions to expressly include sexual orientation and gender identity. However, Mississippi has not put any protections in place for its LGBT community. The ACLU of Mississippi and our partners are working to advance protections in work and school.

The reality is devastating: many LGBT individuals in Mississippi are unable to share their true identity without fearing discrimination, violence or intimidation. This is despite the fact that, according to a survey by the Human Rights Campaign, 57% of LGBT individuals have called our state home for more than 20 years. Amongst LGBT Mississippians, 38% have experienced harassment at work, 48% have experienced harassment at businesses open to the public, 46% have experienced harassment at school and 41% have experienced harassment by members



Directors of Communications and Policy and Advocacy, Morgan Miller and Rebecca Curry, outside the November 12th same-sex marriage case hearing at the federal district court in Jackson.

of their own family. Mississippi even has the highest percentage of same-sex couples raising children according to the Williams Institute.

The need for legal protections for LGBT individuals is especially pressing in light of the reality that marriage equality in Mississippi is on the horizon. This winter, two cases will come before the United States Court of Appeals for the 5th Circuit: *DeLeon v. Perry* from Texas and *Robicheaux v. Caldwell* from Louisiana. Oral arguments for these cases are tentatively scheduled for the week of January 5, 2015. The decision in the *DeLeon* and *Robicheaux*

cases may become law in all states within the 5th Circuit, including Mississippi. Additionally, *Campaign for Southern Equality v. Bryant* was filed on October 20 in a Mississippi federal district court. At the writing of this article, we are awaiting a ruling from the District Court Judge.

We do not have a crystal ball. We cannot tell you the exact decision that the 5th Circuit Court will reach in *DeLeon* or *Robicheaux*. Nor are we certain of the outcome of *CSE v. Bryant*. However, we remain hopeful based on strong national trends that marriage equality will come to Mississippi. Marriage equality is now the law of the land in 32 states, meaning that more loving families have access to the protections that legal marriage provides.

When marriage equality comes to our state and LGBT Mississippians begin to exercise their right to marry the partners they love, we need to ensure that everyone has the freedom to be themselves, regardless of sexual orientation or gender identity. Voice your support, begin to have the conversation, help to condemn harassment, and encourage your elected officials to promote local and statewide protections against discrimination. It is time for an inclusive Mississippi.

## ACLU-MS STAFF

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## A LETTER FROM THE EXECUTIVE DIRECTOR



As I write this letter to you, I do so anticipating a wonderful holiday season with family and friends. I also realize that we are approaching the end of another year with the zeal for opportunities that a new year brings. This is reality for so many of us – for others it is a mere dream. For about 22,000 of Mississippi's citizens, they will spend the holidays inside the state's overcrowded corrections facilities, many of them serving enhanced sentences for nonviolent offenses. For others, they will spend their time in the shadows, afraid to live their life "out" in the open because they realize Mississippi lacks any protections from discrimination. Some will spend the time reflecting on the present deterioration of rights that were won by the heroes of our past. It is for all of these and others who have been marginalized that we stand guard.

Through our criminal justice reform efforts, we are aiming to reduce Mississippi's prison population by addressing every aspect of our criminal justice system. We are promoting accountability and transparency in police practices. We are working to stop the flow of children into the school-to-prison pipeline by advocating for school safety reforms. We are encouraging policies that allow ex-offenders to break the cycle of crime, as well as taking to task those who do not recognize the right to counsel.

We continue to be the champion of equality for all Mississippians. We promoted voter protection and education while working to advance legislation to improve access to the polls. We are addressing the disrespectful language in the Mississippi Code that offensively describes people with disabilities. We've begun outreach in the Mississippi Delta to ensure that LGBT youth of color are empowered and have safe places in their communities.

Protection of First Amendment rights is always our paramount concern and by filing *Fletcher v. Diamondhead Property Owners Association*, we ensured that free speech would not easily be infringed upon. We are prepared to respond when the state promotes one religion over another or impacts a student's right to choose not to believe.

In order to continue these efforts and make dreams come true for others, I am asking you today to make a tax-deductible gift that will directly support our efforts to win important legal victories. I am also asking that you make a special taxable contribution that will help us advance civil liberties in the legislature. Additionally, I ask that you plan for a continued ACLU presence in Mississippi by providing a legacy gift as a DeSilver Donor. Together, we will make Mississippi better. I know I can count on your support.

Sincerely,  
Jennifer Riley-Collins

## BOARD OF DIRECTORS MEETING DATES

December 13, 2014

March 7, 2015

June 6, 2015

September 12, 2015

Annual Meeting of the Membership

Annual Meeting of the Board

ACLU Annual Dinner

## Leave a legacy of liberty for generations to come.

Thousands of passionate civil libertarians have stepped forward and expressed their most cherished values by making a deeply meaningful gift to the ACLU in their estate plans.

We invite you to join this special group of ACLU supporters who have made freedom, justice, and equality their legacy.

To learn more, or to take advantage of our estate planning resources, visit [www.aclu.org/legacy](http://www.aclu.org/legacy) or call toll-free 877-867-1025.



# Legislative Preview

BY KEIA JOHNSON, LEGISLATIVE STRATEGIST

**As we approach the 2015 Legislative Session, we continue to advance civil liberties and are prepared to counter growing threats to fundamental freedoms.**

The proposals listed below comprise our current legislative agenda:

## “Person First”

*What do you call a person with a disability? A person.*

Person First Language is an objective and respectful way to speak about people with disabilities by recognizing the person first, then the disability. Currently, sections of the Mississippi Code make reference to people with disabilities using arcane and offensive terminology. We believe that the language used to describe a person or group is powerful as it reflects our society’s true feelings towards that person or group. Therefore, we are proposing a “Person First” bill that seeks to retroactively amend all sections of the Code to ensure that all current offensive terminology is removed and replaced with “Person First” respectful language.

## “Tuition Equity”

*Charging young undocumented students out-of-state tuition thereby pushing a college education out of the reach of many, is cruel and a gross waste of valuable human capital.*

Mississippi currently requires thousands of Mississippi students to pay out-of-state tuition – rates three to four times higher than in-state tuition rates – simply because of their immigration status. It should be noted that most of these students have lived in Mississippi for most of their lives and therefore the state of Mississippi has already invested millions of tax dollars into their secondary school educations. Failing to provide in-state tuition to these students is a gross and inequitable waste of state resources.



It is with this in mind that, during this 2015 legislative session, we will partner with Mississippi’s Immigrant’s Rights Alliance (MIRA) to propose introduction of a Tuition Equity bill that will seek to allow undocumented students in Mississippi to pay in-state tuition rates at our colleges and universities so long as they meet prescribed criteria.

## “School Resource Officer Training”

*Dismantling the School to Prison Pipeline in Mississippi, begins with decriminalizing our students and keeping them in our classrooms.*

Mississippi schools arrest and refer students to juvenile detention centers at unusually high rates, and do so even for typical adolescent, non-violent behavior. In fact, the most prevalent offense, accounting for about one-third of arrests on school grounds, is the vague and subjective offense of “disorderly conduct.” As a result, our students spend less time learning and more time cycling back and forth between the corrections system and the school system. This vicious cycle must end.

In an effort to combat this issue, we are proposing legislation that requires mandatory prior to placement training for school resource officers in areas such as child adolescent development, cultural competence and building relationships with students; deescalating violent situations; identifying the social, emotional, and mental needs of the students; directing youth to appropriate services rather than using force; and due process protections for students.

In addition to the items we will propose, the ACLU of Mississippi will remain vigilant and monitor other legislation in our ongoing fight for justice. We anticipate that some bills will seek to create progress and increase our freedoms, while others may present serious threats to our civil liberties. No matter the case, we will be present and accounted for. It is our honor and our charge to vehemently oppose any threat to fundamental freedoms. We will actively support the efforts of other groups, allies, and legislators who aim to work in the best interest of all citizens of this great state.

**Get the inside scoop on the upcoming legislative session!**

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# ACTION DOCKET

BY CHARLES IRVIN, LEGAL DIRECTOR

## JAILED INDEFINITELY WITHOUT LAWYER OR INDICTMENT IN SCOTT COUNTY

On September 23rd, the ACLU, the ACLU of Mississippi, and the Roderick and Solange MacArthur Justice Center filed a class action suit against Scott County, Mississippi, the Sheriff, the District Attorney and Judges after learning that the Scott County Detention Center has held people for as long as a year without appointing counsel and without indicting them. The county's practices violate the Sixth and Fourteenth Amendments' rights to counsel, to a speedy trial, and to a fair bail hearing. We are demanding that Scott County align its policies and practices with the Constitution.

## PROTECTING CITIZENS' RIGHTS TO FREE POLITICAL SPEECH

We stood in defense of citizens' right to freely voice political speech. On October 27th, Chief U.S. District Judge Louis Guirola Jr. ruled that the Diamondhead Property Owners Association (POA) was not a "state actor" therefore not subject to the federal civil rights provisions of federal law in our case about political free speech. Prior to this ruling, a Temporary

Restraining Order was in place which allowed the citizens to place yard signs. As a result, several of the original plaintiffs won positions on the POA board. The process worked! The ACLU of Mississippi ensured free speech would not easily be infringed upon.

## ACLU FILES AMICUS BRIEF IN CHATHAM DIVORCE

On September 25th, the ACLU and ACLU of Mississippi petitioned the Mississippi Supreme Court to file a "friend of the court" brief in *Chatham v. State of Mississippi*, a case that would allow a same-sex couple to be legally divorced. Together, we stated that denying a couple the right to a divorce infringes upon their constitutional right to due process and equal protection.

Lauren Czekala-Chatham was legally and lawfully married to Dana Ann Melancon in 2008 in California and the women separated in 2010. In 2013, a DeSoto County Chancery judge ruled that Mississippi's Constitution and other provisions prohibit granting a divorce. After the ruling, Ms. Chatham filed for an appeal challenging the constitutionality of

the state's failure to recognize legally valid marriages performed in other states.

The Mississippi Supreme Court has taken up her case and on October 23rd they issued an 8-1 ruling granting our "friend of the court" brief. By doing so they allow us to offer insight and expertise in the legal context surrounding the issue of same-sex marriage nationwide.

## HARRISON COUNTY IMPROPERLY BLOCKS SAME SEX COUPLES FROM RECORDING DOCUMENTS

In August, we questioned the Harrison County Chancery Clerk's refusal to record of out-of-state marriage licenses of six same-sex couples. Eight other Chancery Clerks across the state have previously allowed the recordings of other out-of-state marriage licenses of same-sex couples. According to state law, the chancery clerk was required to file documents which met the definition of a properly recordable document. Our office assisted Representative Alyce Clarke with legal research and analysis, as she sought clarifications from the Attorney General on the validity of the clerks conduct.

## Stand With Us Against Ballot Initiative 46

A group in Mississippi has started collecting signatures for Ballot Initiative 46, also called the Heritage Initiative, which would discriminate against Mississippians with different religious beliefs as well as racial and ethnic minorities.

Initiative 46 calls for Christianity as the official religion of Mississippi, English as the official language, requires the Confederate Flag to fly over the State Capitol, and establishes a Confederate Heritage Month, Confederate Memorial Day, along with other divisive proposals.

In order for this initiative to make it on the ballot for the General Election in November 2016, the Magnolia Heritage State Heritage Campaign must collect

over 100,000 signatures by October 2015. We cannot let that happen!

We must draw a line in the sand and stand in defense of freedom for ALL Mississippians!

- No one religion should be promoted by the government over another. The initiative's promotion of Christianity undermines our rich traditions of peaceful pluralism and religious diversity.
- Discrimination against language minorities and restrictions on communication in languages other than English implicate our most basic rights of equal protection, free speech, and due process. A declaration of

English as the official language is inconsistent with the spirit of tolerance and diversity embodied in the federal Constitution, and in particular the Equal Protection Clause.

- Ballot Initiative 46 wants to assert "heritage, culture and traditions" that are steeped in historical discrimination based on race.

If we allow discrimination in one situation, it will be allowed in other situations where it may cause serious harm. We stand ready to defend freedom in Mississippi and will adamantly oppose Initiative 46!

The ACLU of Mississippi is ready to ensure that all individuals are protected from discrimination. Stand with us!



# Deserving a Second Chance: Why Criminal Justice Reform Matters

BY ANDRES WALLACE, STAFF ATTORNEY

Last year, the Mississippi lawmakers passed House Bill 585 (HB 585), legislation that promised much needed reform to Mississippi's criminal justice system. A notable change brought forth by HB 585 is the change to the parole eligibility statute of the Mississippi Code which would now allow non-violent habitual offenders that have served at least twenty five percent of their sentence to petition their sentencing judge for a recommendation to the Parole Board. As a result of the legislation passage, we filed several petitions on behalf of several non-violent habitual offenders currently incarcerated in Mississippi state prisons.

Larry Dozier is one of the individuals for whom we have petitioned the judge for a recommendation to the Parole Board. In 1990, at the age of thirty, Mr. Dozier was sentenced to 40 years for a nonviolent offense. Mr. Dozier has been incarcerated since 1990.

Mr. Dozier, now age 54, is a tall man, with a mild demeanor. Mr. Dozier, as he is affectionately known inside the Mississippi State Penitentiary ("Parchman"), commands the type of respect normally reserved for clergymen. In fact, Mr. Dozier is a man with a story of hope and redemption. Though he only had a tenth grade education when he entered prison, Mr. Dozier has since earned his G.E.D., an Associate's degree and a Bachelor's degree in Christian Ministry. Mr. Dozier's manner and character allowed him to earn a trusted position working for Warden Marshall Turner, Area I Warden at Parchman.

One would think that having to serve forty (40) years for a non-violent crime would harden a man's heart and cause him to become bitter—such feelings could not be farther from Mr. Dozier's mind. He recognizes that being angry would not change his situation. He devoted his life

to his faith and has since strived to be a better person and model inmate with whom others confide.

For Mr. Dozier, HB 585 represents a glimmer of hope in a dark situation. The legislation is an answer to his prayers, and the prayers of the many who have been blessed by Mr. Dozier's presence and his story—a story of a man who, in his own words, "deserves a second chance to be the man that God intended for him to be."

HB 585 was passed in an effort to reduce Mississippi's overcrowded prisons while ensuring public safety. Inmates like Mr. Dozier are why reforms are needed. Allowing reforms under 585 to work will represent great strides by the state of Mississippi, to reduce the growth of an already alarming prison population in the state of Mississippi.



ACLU staff members participate in the #WeAreTheSouth Campaign.



Jennifer Riley-Collins and Alison Steiner at the 2014 Annual Dinner with Keynote Speaker Vanita Gupta.

Dr. Aisha Nyandoro, Myrtie Evers-Williams, and Jennifer Riley-Collins overlooking the building of the Mississippi Civil Rights Museum.





## MEET OUR ADVOCACY INTERN



Meet Wayne Burden, who has served as an advocacy intern with the ACLU of Mississippi since August. Originally from Vicksburg, Wayne is currently a student at Jackson State University, where he is working on completing a degree in Business Administration. In addition to volunteering his time with at our office, Wayne also works at Sanderson Farms, and is raising his deceased sister's three children. You can catch him some evenings around town performing Lil Wayne impersonations.

Wayne has worked to maintain our database of volunteers, organize statistical data, and send public information request letters to law enforcement agencies across the state. He is passionate about the freedom of speech and expression, as well as LGBT rights. Hardworking and stylish, we are excited to have Wayne at the ACLU of Mississippi!

If you would like to intern or volunteer with us, contact our office at 601-354-3408 or email [office@aclu-ms.org](mailto:office@aclu-ms.org).

# Ensuring the Right to Record

BY MORGAN MILLER, DIRECTOR OF COMMUNICATIONS

This year, the events surrounding the tragic police shooting death of 18-year-old unarmed teenager Michael Brown in Ferguson, Missouri along with the lawsuit we filed against the Mississippi Department of Public Safety for prohibiting Kathryn Stout from filming their stop and search have caused us to focus on a citizens' rights when interacting with law enforcement.

Following the guidance provided by the U.S. Department of Justice regarding citizens' right to record police actions, we contacted local law enforcement agencies throughout Mississippi, urging them to establish clear policies and training to ensure that officers conform to the Constitution they are sworn to protect. We are also working with police departments to develop policies regarding police use of body cameras. We hope that by sharing information with Mississippi law enforcement officials about best practices, we can assist police in heading off problems and protecting the rights of citizens as well as public safety. We are currently working with various law enforcement agencies across the state to develop those policies and providing trainings that promote transparency and accountability.

Additionally, we released a smart phone app called Mobile Justice Mississippi along with other ACLU affiliates in Missouri, Oregon, Nebraska, California, Michigan and North Carolina. The Android app is an empowerment tool



for those who feel their civil rights are being violated by law enforcement officers. It encourages police transparency and accountability with its record, witness, and report functions that enable the user to document police encounters. It also provides an overview of a citizen's rights when they are stopped by police. An iPhone version of Mobile Justice Mississippi will be released at the beginning of 2015.

Funded in part by a grant from the National ACLU, the Mobile Justice app was developed by Quadrant 2 – the same developer that created the Stop and Frisk Watch app for the New York Civil Liberties Union (NYCLU) to address racial profiling. Since its 2012 release, the New York Police Department's use of street stops has declined by more than half.

We hope the app will empower young people in Mississippi to protect their own rights and advocate for others when they are stopped by police.



**DOWNLOAD MOBILE JUSTICE MS FOR ANDROID**  
[www.aclu-ms.org/mobile-justice](http://www.aclu-ms.org/mobile-justice)



# Impatiently Waiting for Justice

BY DR. RAVI K. PERRY, MEMBER, BOARD OF DIRECTORS

**The ACLU of Mississippi's new Board of Directors member, Dr. Ravi K. Perry, talks about the challenges of being openly gay in Mississippi and why he supports the ACLU.**

I chose to move to rural Mississippi. My husband and I decided to move from Massachusetts. Having met in New England, and being raised in the Midwest, neither of us had lived in Mississippi.

Upon my arrival, amidst the expansive and limitless sunlit sky, I realized that my opportunities did have a limit to them. Because I moved into the state as an openly-gay man, I was soon introduced to the anomaly that I had become. It was not that Mississippians I met had never known of a gay person. Rather, I was the first Black, openly-gay and legally married person they'd ever met.

The many questions followed. Did you always know you were gay? What church do you go to? Are you REALLY married? And you're a professor?

The limited discussion of my sexual identity in Massachusetts became a topic of conversation in Mississippi. The frequent discussion of my Black identity in Massachusetts became a limited conversation in Mississippi.

That I always appreciate an opportunity to inform based on my experience does little to settle my conscience regarding the myriad of questions I get simply because I am gay. Some call the personal experience, a microaggression. Others may label the opportunity to inform, social justice education. I simply will continue to fight to change that in this state my sexual identity is not protected in hate crime statutes. I will continue to stand up and fight to have my marriage recognized in Mississippi.



Dr. Ravi K. Perry (left) and husband Paris F. Prince (right).

But symbolic discrimination is not all that I face as an openly gay married man living in Mississippi. Because my spouse is a man, he is not afforded the opportunity to be recognized by the state as a family member that I can insure under a family health insurance policy.

The emotional costs I have experienced seeking to obtain basic health care as a family in Mississippi persist. The financial costs I have incurred to draw up legal documents in the event of an emergency, just so my husband and I can have the right to see each other if ever hospitalized – I should've never had to pay.

I realized that the symbolic discrimination was matched by substantive discrimination.

So, I joined the ACLU of Mississippi. I relish the opportunity to invest in the ACLU and Mississippi. As a Board Member, I desire to learn more about the pulse of Mississippians and to help set the pace of change regarding pressing social justice issues.

I can celebrate many joys about being openly gay in Mississippi. I've met life-long friends in Mississippi and have educated hundreds on social justice in the classroom. My marriage continues to blossom and with the great weather, my tennis game is nearly unstoppable.

But, for now, I am impatiently waiting to celebrate insurance for my family; marriage opportunity and recognition, improved health outcomes, expanded job opportunity... – justice for all. In the meantime, I'll be at work on the issues. I hope you'll join me.

**You can follow Ravi on Twitter (@raviperry).**

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**Friday, December 12, 6:30pm**

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## New Faces of ACLU



**ANDRES  
WALLACE**  
*STAFF ATTORNEY*

Andres “Dre” previously served as Law Clerk for the Honorable Judge

E. Vincent Davis, Chancellor in the 17th Chancery District, Natchez, MS. Andres is a graduate of Mississippi College School of Law and Millsaps College where he received a Bachelor of Science Degree in Political Science. Andres is originally from Boynton Beach, FL.

**REBECCA  
CURRY**  
*DIRECTOR OF  
POLICY AND  
ADVOCACY*

Originally from Houston, TX, Rebecca began at the ACLU of Mississippi in August 2014



after graduating from Loyola University New Orleans College of Law. A recipient of the Gillis Long Public Service Award, she volunteered with the ACLU of Louisiana, the Jefferson Parish Public Defender’s Office, and Loyola’s Stuart H. Smith Law Clinic. Becca received an undergraduate degree in Ecology and Evolutionary Biology from the University of Colorado.

**KEIA JOHNSON**  
*LEGISLATIVE STRATEGIST*

Prior to joining the ACLU staff, Keia graduated from The William H. Bowen School of Law at the University of Arkansas in Little Rock. During law school, she held clerkships with Commissioner Mignon Clyburn of the Federal Communications Commission, Congressman Bennie



Thompson serving his efforts on the Committee on Homeland Security, and the Association of Arkansas Counties. Keia received her undergraduate degree from Jackson State University and is originally from Eudora, Arkansas.



**SYRETTA  
SALAHADYN**  
*INTAKE  
COORDINATOR*

Syretta joined us in September 2014

as Intake Coordinator. She is a 2013 Magna Cum Laude graduate of Hinds Community College where she earned her Associate of Applied Science degree in Criminal Justice while serving as Vice President of Phi Theta Kappa’s Alpha Zeta Omega Chapter. She is currently working on her Associate of Applied Science degree in Paralegal Technologies.



# MAKING MISSISSIPPI BETTER

## An Introduction to The ACLU of Mississippi's 2015 Equity Agenda

BY KEIA JOHNSON, LEGISLATIVE STRATEGIST

The lessons learned 50 years ago during Freedom Summer, the knowledge gained since then, and the reality of things we still need to learn demonstrate the continued need for promotion of constitutional rights and the advancement of civil liberties today.

Every day in Mississippi, marginalized communities including communities of color, immigrant communities, people with disabilities, women, and the lesbian, gay, bisexual and transgender community face barriers to true opportunity. The ACLU of Mississippi 2015 Equity Agenda highlights the unfinished business of achieving “justice for all” in Mississippi.

The path to this reality demands equity and inclusion for all of our diverse communities. It is our sincere hope that Mississippi's leadership will take initiative in pursuit of a better Mississippi. To realize this vision, racial, cultural and economic equity must be at the core of our values.

It is with this in mind, that in January 2015, the ACLU of Mississippi published its first ever Equity Agenda. We set out priorities in hopes that the agenda would serve as a guide to issues that remain unaddressed in Mississippi. It documented opportunities for our state legislators and governor to dismantle barriers and promote equity. While the agenda was not exhaustive, it should have been used as an informative tool.



During the 2015 Legislative Session, we expected our leaders to speak up for the disenfranchised and oppose policies that were detrimental to the welfare of our state. To “Promote Criminal Justice Reform” we asked that legislators seek to reduce Mississippi's prison population, promote community policing, transparency and accountability, and support restorative justice. We asked that legislators work to “Extend Equality to All Mississippians” by ensuring the equal treatment of all people, protecting women's rights, guaranteeing safe and supportive schools, and protecting

voting rights. Finally, we asked that legislators “Guarantee Freedom of Speech & Expression” by defending religious freedom and protecting freedom of expression.

The agenda was endorsed by other community organizations who believe that together we can make Mississippi better. These organizations are working individually and in coalition to advance justice on issues that impact racial, cultural and economic justice. Together, we seek to educate legislators, policy makers and the public to make them aware of some of the steps that are necessary for progress in Mississippi.

### MEASUREMENT OF LEGISLATIVE PROGRESS ON ISSUES OF EQUITY IN 2015

We will publish a Legislative Score Card that will be available to the general public before the November elections. The Score Card will highlight those legislators who “championed” equity and inclusion. It will also hold accountable those who failed to promote racial, cultural and economic justice.

As we approach the 2015 elections, we will educate the public and increase awareness about where lawmakers have stood on the civil liberties issues that are important to them. We will strive to present an accurate, fair and unbiased presentation of the record. Stay tuned!

## ACLU-MS STAFF

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## A LETTER FROM THE EXECUTIVE DIRECTOR

On March 7th, I stood at the crest of the Edmund Pettus Bridge in Selma, AL, unsure of whether we should look back or forward. I stood there thinking of all the issues we are facing in Mississippi. The issues range from the absence of laws protecting citizens against discrimination, to the challenge of promoting transparency and accountability of our law enforcement agencies to ensure

young people of color are safe to walk our streets, all the way to unsafe prison conditions fed by mismanagement of private for profit companies. From where I stood in my mind's eye there was not much difference. And then I thought of the great organization I have the fortune of leading and the courageous staff with whom I work and I knew I should look forward.

As you will read in this letter, the ACLU of Mississippi has been tremendously busy in its work to protect constitutional rights and extend civil liberties. Our efforts have included vigorous legislative efforts which resulted in defeat of many bad bills to include House Bill 1305 intended to create an exemption to public records for pharmaceutical companies supplies lethal injection compounds; legal action in defense of children in school including action to protect students first amendment rights of expression and defending them against practices intended to push them into the school to prison pipeline; and our advocacy energies safeguarding citizens by requiring transparency and accountability of law enforcement agencies.

None of our efforts however would be possible without you. As you read this letter, I hope that you will feel a sense of pride in the work we are able to do because of your support. Please continue to contribute – together we are making Mississippi better!

Sincerely,  
Jennifer Riley-Collins



ACLU Executive Directors Jennifer Riley-Collins of Mississippi, Howard Simon of Florida and Susan Watson of Alabama on the Edmund Pettus Bridge in Selma, Alabama.

## BOARD OF DIRECTORS MEETING DATES

June 6, 2015

September 12, 2015

Annual Meeting of the Membership

Annual Meeting of the Board  
(Officer Election)

ACLU Annual Dinner

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# 2015 Legislative Session Comes to an End

BY KEIA JOHNSON, LEGISLATIVE STRATEGIST

The 2015 legislative session came to an official end on April 3rd 2015. Below is a breakdown of some of the key bills we actively supported or opposed during the 2015 Legislative Session. Bills are listed by issue area with their current status italicized.

## Reduce Mississippi's Prison Population / Support Restorative Justice

Supported SB2059, SB2053, and **HB602** – These measures were intended to authorize the creation of the “Re-Entry Council,” to help inmates successfully reintegrate into society. Legislation like this promotes principles of restorative justice and rehabilitation.

*SB2059 and SB2053 died in Committee. HB602 was approved by the Governor.*

Supported SB2780 – This legislation sought to provide immunity from arrest or prosecution for certain drug violations committed by a person seeking treatment for a drug overdose. The SB2780 “Good Samaritan Act” addresses substance abuse as a public health matter, not a law enforcement matter.

*The language in SB2780 was combined with the language in HB692 to create “The Emergency Response and Prevention Overdose Act”. HB692 was approved by the Governor.*

Supported HB173 “Ban the Box” – This bill would have eliminated barriers to employment for formerly incarcerated individuals.

*Died in Committee.*

## Promote Community Policing, Transparency and Accountability

Proposed HB1279 – This bill, authored by the ACLU of MS in partnership with Rep. Chuck Espy, would increase police transparency and accountability. A win-win, it sought to protect the public against police misconduct and protect police from false accusations of misconduct.

*Died in Committee.*

Opposed HB1305 – Across the United States, drug companies are seeking to circumvent public disclosure

laws. HB1305 violated principles of transparency and open government.

*Died in Committee.*

## Equal Treatment of All People

Opposed HB714 – Under HB714 there would be a rebuttable presumption formed that a child being placed in the custody of a homosexual parent is not in the best interest of the child. This bill fostered discrimination on the basis of sexual orientation.

*Died in Committee.*

Proposed HB408 and SB2107 – The bills mandated that all sections of the Mississippi Code be amended to require the use of Person First Respectful language when referencing people with disabilities. Mississippi’s laws currently use outdated and offensive terminology in reference to people with disabilities.

*HB408 died in Committee. SB2107 passed the House and Senate. The bill’s conference report was filed and is now due from the Governor.*

Supported SB2499 – **SB2499** sought to authorize the issuance of **Racial Impact Statements** to determine how proposed legislation may affect certain populations. The legislation would have provided legislators with an important new tool for addressing racial inequality in Mississippi.

*Died in Committee.*

Proposed HB652 and SB2498 – An affordable college education should be accessible to everyone, but currently, many immigrants cannot access higher education within the state because they are required to pay non-resident tuition. These measures were intended to allow all students to receive in state college tuition and financial aid at Mississippi Colleges & Universities.

*Both died in Committee.*

## Protect Women’s Rights

Supported HB113, HB12, and HB1200 – The purpose of these bills was to create the “Fair Pay Act” to require employers to pay equivalent pay for equivalent jobs— regardless of sex, race, national origin, age or disability.

*All died in Committee.*

Opposed SB2138 – This measure intended to increase the minimum waiting period before a woman can have an abortion from 24 hours to 72 hours.

*Died in Committee.*

## Guarantee Safe and Supportive Schools

Supported HB429 – HB429 sought to directly tackle the school to prison pipeline in Mississippi by requiring that schools annually report unlawful activity to the Mississippi Department of Education. The bill also required ongoing training for school staff and law enforcement professionals.

*Died in Committee.*

Proposed HB478 and SB2332 – These bills would have mandated “prior to placement” training for **School Resource Officers** in the areas of child adolescent development, cultural competence and building relationships with students; deescalating violent situations; identifying the social, emotional, and mental needs of the students; directing youth to appropriate services rather than using force; and due process protections for students.

*HB478 died in Committee. SB2332 passed the House and Senate but after making it out of conference, died on the calendar.*

Proposed HB750 and SB2474; Supported HB573 and SB2466 – Mississippi schools have a real problem with student bullying. Our bullying laws fail to address the

LEGISLATIVE SESSION CONTINUES ON PAGE 4



## LEGISLATIVE SESSION FROM PAGE 3

fact that some student populations are statistically proven to fall victim to bullying at much higher rates than others. In 2015, the ACLU of MS and other social justice organizations offered bills intended to amend the state's bullying laws to enumerate categories of victims, and mandate the creation of anti-bullying policies for school districts.

***HB750, SB2474 and SB2466 all died in Committee. HB573 died on the floor.***

### Protect Voting Rights

Opposed HB932- This measure was intended to require registrars to mail a voter registration card to the mailing address provided on an applicant's voter registration form. As HB932 was written, individuals would be allowed to change their address over the phone, but their voter registration cards would still be mailed to the address on their original application. As a result, countless voters may never have received their voter registration cards, even though they had taken measures to ensure that they could legally vote.

***Died in Committee.***

### Defend Religious Freedom

Opposed HB493, HB1218, and HB177 – In violation of the Constitution, these bills would have prohibited the application of foreign law.

***HB493 and HB1218 died in Committee. HB177 was approved by the Governor.***

### Protect Freedom of Expression/Privacy

Opposed HB347- HB347 failed to place any restrictions on law enforcement use, retention, and disclosure of captured images from drones. We support legislation that regulates the use of drones, but that legislation must require a search warrant for drone use by law or regulatory enforcement agencies and establish clear data retention limitations, and disclosure requirements so that the public is aware of the uses being made of drones.

***Died in Committee.***

# Promoting Transparency and Accountability in Law Enforcement

BY REBECCA CURRY, DIRECTOR OF POLICY AND ADVOCACY

Mississippians deserve law enforcement that is committed to promoting public safety and fair treatment of all people. Recently publicized incidents—from Ferguson to New York City—highlight a trend of excessive police force, shedding light on pervasive patterns of racial profiling and discriminatory enforcement of criminal laws in communities of color. It is clear from widespread protests and heated debates that there is growing distrust of police within the very communities they are sworn to serve.

We believe that body-worn cameras and citizen journalists are part of the solution of promoting greater transparency in law enforcement. Knowledge of police activity enhances the ability of the public to hold officers accountable for their actions. By capturing the true version of events, we can prevent the unfortunate dilemma of radically divergent personal accounts that sometimes accompany instances of police violence.

Body-worn cameras are a win-win, helping to guard the public against misconduct by law enforcement, while also helping protect police against false accusations of abuse. While we applaud efforts to bring bodycams to Mississippi patrol officers, it is critical that they are accompanied by a framework of strong policies. Accordingly, we are working with several law enforcement agencies across the state, including the Hinds County Sheriff's Department and the Jackson Police Department, to develop procedures governing bodycam usage.



During the legislative session, we worked with Representative Chuck Espy to introduce HB1279. It would have established state-wide bodycam policies. For example, the bill would have ensured continuous recording during interactions with the public, and it included provisions aimed at protecting the privacy of individual recording subjects. Unfortunately, this measure died in

committee. Over the summer we plan to build support for such legislation in hopes that it will be re-introduced.

Beyond bodycams, citizen journalists are equally significant. Pursuant to the 1st Amendment of the U.S Constitution, the public has a right to video-record and share footage of law enforcement acting in their official capacity in any public space. Under the 4th Amendment, officers may not confiscate devices or demand to view content without a warrant. Nevertheless, police too often order people to stop recording, seize personal property, or even detain individuals for exercising this freedom.

We sent letters to 82 sheriff and 28 police departments across the state, encouraging local law enforcement to establish policies and training relevant to the citizen journalists. As of March, nine agencies have adopted policies that expressly recognize the "right to record." We are continuing to push for more agencies to adopt policies and train their forces regarding this right. By proactively ensuring that all officers are aware of their obligation to respect this right, we can avoid conflicts, prevent constitutional violations, and further spread knowledge about police activity.

# Keeping Mississippi Students Safe

BY L. RENE' HARDWICK, ADVOCACY COORDINATOR

"Scream rooms," "a boy stuffed in a duffel bag" and "handcuffed and face-down on the floor" are not descriptors one would expect to associate with environments parents entrust their children to each day. In fact, parents expect schools to be places where their children receive an equitable and equal education; places where teachers and students alike, are honored and valued in a safe and secure environment. However, for far too many students across Mississippi, this is not the reality. Unfortunately, Mississippi is one of five states that lacks a statute, regulation or even nonbinding guidelines to the use of restraint and seclusion in schools.

In response to this issue the ACLU of Mississippi has acquired grant funding from the W.K. Kellogg Foundation in support of a Keeping Students Safe project. This initiative is designed to improve outcomes of Mississippi's students with disabilities and students of color by restricting the use of restraint and seclusion on vulnerable children.

In a 2009 Federal Government



Accountability Report, it was reported that each year, hundreds of children are being injured - some seriously - while others, during incidents involving restraint and seclusion, have resulted in death. Restraint and seclusion are methods used to control children who exhibit challenging behaviors. When implemented incorrectly and disproportionately, restraint and seclusion are the most dangerous so-

called disciplinary practices that continue to threaten all students, particularly students with disabilities and students of color. Research shows that such methods - which include forced immobilization, sensory deprivation and physical harm - are more akin to torture and can be harmful to a child's cognitive, social and emotional development.

Every child has the right to be free from restraint and seclusion unless he or she poses a clear and imminent physical danger to him or herself or to others. We are committed to supporting this effort by: fostering collaborations and venture partnerships within the targeted areas; increasing data collection, public awareness, advocacy, training on preventive and intervention supports and services, and best practices methods; and reducing the use of exclusionary discipline among students with disabilities and students of color. As freedom's watchdog, the ACLU of Mississippi is committed to restricting and reducing the use of restraint and seclusion in schools.

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Learn how you can promote accountability and transparency by becoming a citizen journalist with our Mobile Justice Android app! The iPhone version will be available in the next few months.



## WELCOME

### L. Rene' Hardwick

Rene' joins the ACLU of Mississippi as an Advocacy Coordinator to specifically work on reducing restraints and seclusion in schools. She previously served as Director for the Hinds County Justice Court Misdemeanor Drug Court for four years.

For over 13 years prior, Rene' has held Administrative positions in higher education as a Director, Associate Professor, Archivist, IT Specialist, and Academic/University Librarian. Over the span of 20 years, she has voluntarily advocated for and provided consulting



services related to meeting the educational needs of children in K-12 learning environments.

Rene' is a native of Jackson and obtained her B.S. Degree from Spelman College, Atlanta, GA. She completed graduate

work in Educational Technology & Instructional Design, with a specialization in Educational Psychology from Michigan State University. Rene' earned a Ph.D. in Educational Administration from Jackson State University.



# Voter Intimidation Still on the Agenda

BY JENNIFER RILEY-COLLINS, EXECUTIVE DIRECTOR

*This piece was originally featured as an op-ed in the Clarion Ledger on March 7th, 2015*

It's hard not to measure our words on the subject of voter intimidation. Speak too forcefully, and some will accuse you of imagining conspiracy theories. Too softly, and people won't pay attention. But standing under the dome of the Mississippi Capitol in Jackson and listening to legislators attempting to chip away at hard-won rights of this state's people has a way of getting my dander up.

Let me be crystal clear: Many legislators in the state House would like nothing better than for voters to stay home on election days. The tactics may have changed since the outright violence of the Civil Rights Era, but the strategy—and the hoped-for outcome—is the same: Don't upset the status quo.

These lawmakers do not want voters to approve ballot Initiative 42, which will mandate adequate school funding instead of leaving it at their discretion. The tactics include putting a competing initiative (called Alternative 42) on the ballot to ensure splitting the vote so that the state isn't required to change a thing.

Rep. John Moore, R-Brandon, chairman of the House Education Committee, also wants to intimidate public-school teachers. In House Bill 449, Moore proposed not only to stop teachers and administrators from speaking out about political issues on the job, he wanted them fined up to \$10,000 if they dare break the rules.

Moore's bill died, thankfully. If it had passed, it's doubtful if it could have survived a legal challenge. Clearly, such a tactic denies the constitutional First Amendment right of all citizens to freely speak out. In this case, Moore's bill targeted those who might speak against a policy that affects every child attending public school in the state. That's simply wrong, and Mississippians must stand united against such tactics.

Fifty years ago last month, on March 7, 1965, Dr. Martin Luther King, Jr. led



some 600 marchers across the Edmund Pettus Bridge in Selma, Ala. The plan was to walk the 50 miles to Montgomery, but on this day, the walkers would not arrive at their destination. Just across the Alabama River, a phalanx of roughly 150 armed sheriffs, policemen and white citizens, many mounted on horses, waited to stop the peaceful demonstrators. And stop them they did—with billy clubs, teargas, bullwhips and fists. Fifty-eight marchers required hospitalization when the smoke cleared.

The 600 wanted to exercise their right to vote. They understood that changing an entrenched system of bigotry and racism required outvoting those invested in keeping that system intact and inviolable. They had had enough of poll taxes and impossible questionnaires and organized violent repression. It took a federal hearing and pressure from an outraged nation to allow the march, but three weeks later, 3,200 demonstrators walked across the bridge and on to Montgomery.

Clearly, the cause of justice has shifted dramatically since those bad old days, not only for African Americans, but for all Americans, including women, the LGBT community and children. Some circumstances have not. In Mississippi, the difference between African Americans and white children

graduating from high school is 69 percent versus 82 percent, and blacks are three times more likely to spend time behind bars than whites. And, similar to many other states, in Mississippi, a felony conviction means disenfranchisement.

One key to having an active, informed and responsive citizenry—all antithetical to the status quo—is education, so it is not surprising to find virulent opposition to fully funding public education in Mississippi. The arguments, based almost entirely on money, have tremendous short-term appeal. No one enjoys paying taxes. In the long-term, though, we all pay for short-sighted savings. Don't invest in maintaining your home today, and pay through the nose to replace your crumbling foundation tomorrow. Don't adequately fund schools today, and build more prison cells tomorrow.

Fifty years ago, men and women of all races fought so that the right to vote would be enshrined in this nation's Constitution for all of her people. Remember that power, and the responsibility, this right—and the right to freely speak out—gives you today. As U.S. Rep. John Lewis—who suffered a skull fracture at the hands of police on that Alabama bridge 50 years ago—is fond of saying, when you pray for change, move your feet.





# ACTION DOCKET

## Rankin County Gay-Straight Alliance

BY CHARLES IRVIN, LEGAL DIRECTOR



On January 14th, The Clarion Ledger read, “Rankin County school board members approved a change in the district’s school club policy on Wednesday after a group reportedly tried to form a gay club.” This headline caught our attention. We immediately sent a demand letter to the Rankin County School Board and Superintendent advising them of the law.

In 1984, The Equal Access Act specifically provided that a school cannot deny equal access to student activities because of the “religious, political, philosophical, or other content of the speech at such meetings.” Since any moral objections the school may have to a Gay-Straight Alliance (GSA) are based on the religious, political, or philosophical views of its members, such an objection isn’t recognized by the

Act. Simply put, the school cannot ban a GSA based on issues of morality if the GSA doesn’t interfere with the orderly conduct of educational activities in the school. Thus, abstinence-only sexual education is not a proper reason to block the formation of a GSA club.

As a direct result of our actions, we were contacted by several of the students involved and began crafting their plan of action, to form a Gay-Straight Alliance.

A Gay-Straight Alliance is a student-run club, typically in a high school or middle school, which provides a safe place for students to meet, support each other, talk about issues related to sexual orientation and gender identity and expression, and work to end homophobia and transphobia. (gsanetwork.org). Our efforts spurred an



increase from student groups across the state in having the ACLU of Mississippi review their club’s status and help them determine whether they are being treated fairly under the law.

**If you know of a student in a similar situation, have them contact our office at 601-354-3408 or email [office@aclu-ms.org](mailto:office@aclu-ms.org).**





# ACTION DOCKET

## Advocating for Restraint and Seclusion Policy Change

BY MORGAN MILLER, DIRECTOR OF COMMUNICATIONS

In December 2014, we, along with our partners Mississippi Center for Justice, Mississippi Parent Training Institute, and Families as Allies, publicly commented on a restraint and seclusion policy at the Jackson Public School (JPS) Board of Trustees meeting. We expressed our concerns regarding a revised policy that the JPS Board was proposing to enact.

The policy outlined the use of restraint and seclusion techniques in school but it was in need of some significant changes. It failed to focus on creating a safe environment for students and faculty, lacked clarity in the definitions of the techniques that open the door for harm, and did not promote positive behavioral interventions, among other concerns.



After the meeting, we worked in partnership with the Superintendent, Dr. Cedric Gray, and members of the school board to craft a policy that outlined the use of restraint and

seclusion techniques in school.

In February 2015, the JPS Board adopted a revised policy that was an improvement from the original. As a result of our efforts, the revised policy has more emphasis on prevention, robust definitions, more specificity to the training component and inclusion of proper reporting guidelines.

We applauded the JPS Board's efforts in taking a generic policy and bringing added clarity for the benefit of students, parents and administrators. We will continue to work across the state to reduce and restrict the use of restraints and seclusion in schools to keep students safe.

## Taking On Debtors Prisons In Mississippi

BY CHARLES IRVIN, LEGAL DIRECTOR

The ACLU of Mississippi is fundamentally opposed to the use of privatized for-profit misdemeanor probation. The ACLU of Mississippi and the ACLU National Racial Justice Program are investigating the use of for-profit probation companies who are the drivers of the debtors' prison. The reality is their supervisory tactics lead to extreme profits for companies at the expense of the poor. Those who cannot afford to pay are jailed.

Our preliminary investigations reveal that across Mississippi, a niche business has commenced the jailing of already impoverished citizens because they cannot afford to pay a fine. For-profit probation companies are erroneously promising municipalities with struggling budgets that they can collect the



fines owed more efficiently and at a greater rate than previously achieved.

No one should go to jail because they cannot afford to pay a fine. No one should be forced to endure the horrible choice of choosing between food, work or supervision fees. We understand the need to enforce the rule of law and the need for municipalities to collect

**"Being poor is not a crime. The Supreme Court made that clear decades ago."**

**- NUSRAT CHOUDHURY, ACLU RACIAL JUSTICE PROGRAM**

levied fines. However, we do not condone the practice of doing so on the backs of our poorest citizens, who are often disproportionately minority. The means must not justify the end.

Our goal is to illuminate their methods, reform state law and educate the public so that wherever these practices are occurring, we can end them. Our work across the state will continue as we work towards changing the practice of for-profit probation.

# Drug Testing Instrument Comes Out Against Use In TANF Program

BY CHARLES IRVIN, LEGAL DIRECTOR

During the 2014 Legislative Session, House Bill (HB) 49 requiring the drug testing of new applicants for TANF was passed into law despite our diligent efforts in opposition.

On March 24, 2014, HB 49 was signed into law. We knew our efforts to ensure that economic justice prevailed could not end here.

We continuously monitored the proposed rules and responded immediately when a policy was introduced by the Mississippi Department of Human Services (MDHS). We provided public comments and were successful in blocking implementation through a public hearing, requiring MDHS revise its policy. Again, we continued to monitor this measure in protection of Mississippi's most vulnerable children and impoverished families.

We truly believe it is not a crime to be poor and that the poor should not be treated differently. Additionally, we have remained consistently concerned with the improper use of the SASSI instrument to determine drug usage.

The SASSI Institute expressed their unequivocal opposition to use the SASSI instrument for the purpose of



disqualifying or denying applicants for public assistance. The purpose of the SASSI is to help people who have substance use disorders. To use the SASSI to discriminate against individuals, such as disqualifying job applicants or to deny public assistance,

violates the purpose of the SASSI and is in violation of the Americans with Disabilities Act. More to the point, they make clear that SASSI screening results do not provide evidence that an individual is using or abusing a controlled substance. Thirty eight of the roughly 3,600 welfare applicants in Mississippi have been required to take a drug test after completing the SASSI questionnaire; of those thirty eight, only two have failed.

The ACLU of Mississippi along with our key partners recently met with MDHS to request that they stop using the SASSI and seek any avenues that would relieve this unnecessary burden from TANF applicants. We continue to refine our legal and advocacy strategies around the contentious use of the SASSI instrument.

**If you know any potential TANF applicants affected by this, please direct them to the ACLU of Mississippi complaint form on our website at [www.aclu-ms.org](http://www.aclu-ms.org).**

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## ACLU OF MISSISSIPPI OPEN HOUSE





## BOARD SPOTLIGHT

### Melanie Deas

I am excited to be a new member of the ACLU of Mississippi Board of Directors. This appointment echoes a lifelong enthusiasm for the protection of rights. I have been an advocate for freedom of speech most of my life. In college, I began hosting "First Amendment" movie nights to protest censorship, an issue that was becoming increasingly important to me as an artist. Since I moved back home to Mississippi and began working with organizations like the ACLU of Mississippi and Equality Mississippi, I have realized



that while we have made significant progress, Mississippi still has work to do ensuring everyone has the civil liberties to which they are entitled. Too many people have asked me why I care so much about issues that they don't see as having any personal impact on my life. I tell them I that as a human being I care about the lives and rights of all people: I don't have to be gay to support LGBTQ equality; an immigrant to support immigration reform; in prison to support protecting prisoners. We are all connected.

## INTERN UPDATE

### Nikita McMillian

Nikita McMillian, a student at Mississippi College School of Law and former ACLU of Mississippi Legal Intern won "The Best Casenote Award" from *Mississippi College Law Review*. During her summer 2014 internship, she spent a considerable amount of time organizing a public hearing to delay a law to require drug testing for TANF recipients. This work helped to change the Mississippi Department of Human Services policy to improve the outcomes for children affected by the law.

In the fall, after becoming a member of Law Review at Mississippi College School of Law, Nikita began writing about poverty, public misconceptions about the poor, and questioning the mandatory drug testing of welfare beneficiaries. Her casenote is titled, *From Loving Mother to Welfare Queen to Drug Addict? Lebron v. Sec'y. Fla. Dep't of Children & Families and the Evolving Public View of the Poor as a Class of Sub-humans with Sub-rights*. Her publication will appear in a published issue likely in 2016.

Nikita's casenote faculty advisor, Professor Angela Kupuenda, states, "Nikita's casenote is extremely well researched and powerfully written."

We are very proud of our former intern and look forward to seeing her excel in the future!



Nikita McMillian, Jennifer Riley-Collins, and Rita Santibanez at the 2014 ACLU-MS Annual Dinner.

# Intern Spotlight

## Kendra Martin

### LEGAL INTERN

*Mississippi College School of Law*

Having a devout interest in the public interest law sector, my experience with the ACLU of Mississippi has been nothing less than rewarding! In addition to becoming fully aware of rights I possess as an individual, I have been able to work with one of the most passionate and hard-working staff in Mississippi. ACLU of Mississippi has allowed me to attend prospective client meetings, visit prisons to conduct client interviews, and research a variety of topics and issues which impact the rights of Mississippi citizens.



In addition, the ACLU of Mississippi has given me independence on projects that is uncommon in the legal field as a legal intern. As a second year law student, being given the opportunity to work independently has allowed me to develop skills which I know will benefit me throughout my career. That is what makes the ACLU experience so rewarding. I have been given a chance to flourish, and find my passion. I encourage all law students to apply to the ACLU of Mississippi for a legal internship.

## Victoria Mcgee

### LEGISLATIVE INTERN

*Jackson State University*

I have had a wonderful experience at the ACLU of Mississippi as a legislative intern. This opportunity has given me the chance to engage legislators, policy makers and stake holders.

The ACLU of Mississippi has been helpful even in my everyday class participation. I am a Political Science major, and in

my American Legislative Process class, my participation and understanding of the subject area has tripled because I have been able to relate my hands on experience at the capitol to what I have learned in class. As the legislative intern, I have taken a tally of key votes on different pieces of legislation. I have attended House and Senate Committee meetings and reported back to my internship supervisor. I have also shadowed Keia Johnson, the Legislative Strategist, and took note of her interactions with legislators as she educated them on issues of importance.

The amount of information and insight has had a tremendous impact on my life and career path choices. I now see how laws and policies that impact everyday citizens are shaped. I am glad the ACLU of Mississippi is here ensuring rights are defended. The environment is an amazing work place. I am so thankful for all the opportunities that have been provided through the ACLU.

## TaJuana S. Bryant

### ADVOCACY INTERN

*Jackson State University*

My experience interning at the ACLU of Mississippi has been very interesting and informative. I have been a part of projects that I feel are very significant at this time in our lives as American citizens. This opportunity has allowed me to learn how the law actually affects the lives of everyday people. This has deepened my interest in the work the ACLU of Mississippi does. The staff here is very friendly and have welcomed me with



open arms as if we have known each other for years. I feel like I play an important part in making a difference in the lives of Mississippians every day that I am here.

## Azhia Jones

### COMMUNICATIONS INTERN

*Jackson State University*

Before I started with the ACLU of Mississippi this semester, I did a lot of research and I was impressed to see the things that they stand for. I have had the privilege of working with and shadowing Morgan for three months. This opportunity has given me more insight into the role non-profit communications play in building support for the program work of the ACLU; in educating the public on key issues; and using social media for policy and advocacy.



I traveled to Selma, Alabama for the 50th Anniversary of "Bloody Sunday." I was able to capture the stories of thousands of people as we walked across the Edmund Pettus Bridge. This was the most moving experience I have ever had. The experience made me think of the importance of the ACLU-MS Mobile Justice app for young people today as I will be assisting with the launch of the iPhone version in the next few months. These experiences have spurred an interest in criminal justice and voting rights.

The ACLU has allowed me to not only learn more about the world around me, but myself as well. Not every day are you able to work with people who are passionate about their jobs. This is a team full of selfless individuals who remarkably protect the rights of all citizens. As I continue to intern with the ACLU of Mississippi, I anticipate acquiring more knowledge, not only on the communications side, but from others as well.



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# Love wins!



On Friday, June 26th the Supreme Court of the United States ruled that state bans against same-sex marriage are unconstitutional. Marriage equality because a reality across the country. Mississippi Attorney General Jim Hood immediately sent guidance to the Circuit Clerks advising them to not issue marriage licenses until the 5th Circuit Court of Appeals lifted its stay. The ACLU of Mississippi, standing right next to couples as they attempted to marry, prepared an immediate response. The Attorney General rescinded his guidance. Along with our partner organization, Campaign for Southern Equality, and a team of attorneys across the state, we ensured Circuit Clerks in Mississippi were issuing marriage licenses and complying with the Constitution. We still have work to do to ensure full marriage equality in Mississippi. Discrimination continues to be a major issue. The ACLU of Mississippi is prepared to defend against discrimination in the workplace, housing and public accommodations.



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# Reality over Rhetoric: Our work is not done.

BY JENNIFER RILEY-COLLINS

The deaths of the fallen Hattiesburg police officers in May were unequivocally unnecessary loss of valuable and valued lives. No young man should have his life taken as the result of a violent and vengeful act. On the Sunday following their deaths, the families and community of the fallen Hattiesburg police officers woke to a new day in our lives without these brave young men. Also and unfortunately on the same day, Mississippians woke to find that Governor Bryant had chosen to capitalize on this tragedy to spew divisive words instead of encouraging our community mourn and heal together. I was appalled to read his acrimonious words which clearly had been written and submitted for publication even before these brave men were laid to rest.

Out of dignity and respect for the families, the community and our great state I purposefully delayed submitting a response as a citizen of Mississippi and in my capacity as the Executive Director of the American Civil Liberties Union of Mississippi (ACLU of MS). In light of the deaths of the Charleston 9, the debate about the Confederate Flag and racial justice and equal treatment for all Mississippians, I am compelled to respond to the Governor's comments and to share them with our membership. The governor sent a message intended to invoke fear in the hearts of the "good people" in order to set conditions to further erode the

freedoms of Mississippians who in coded language are referred to as the "criminal class". We cannot sit quietly by and let his words go unchallenged. We must elevate fact over fiction.

The Governor began his statement with "It is becoming apparent that a deadly conflict now exists". While this reality is just starting to become apparent to the Governor, it has been a reality in the lives of young men of color for decades. The facts are that blacks disproportionately are subjected to abuse during traffic stops. Blacks are nearly four times more likely than whites to experience the threat or use of force during interactions with the police. In the first month of this year alone, nearly 100 young people of color were killed in police related encounters across this country according to the website [www.killedbypolice.net](http://www.killedbypolice.net) which documents occurrences of people killed by nonmilitary law enforcement officers, whether in the line of duty or not, and regardless of reason or method. This reality, while just becoming apparent to the governor, has caused mothers and fathers when teaching their teenagers to drive to keep their hands at "ten and two" on the steering wheel when, not if, stopped by the police. "Ten and two" not because that is what the driving manual states but because we hope that it will help our children survive a close encounter with the police. Long before the phrase "hands up, don't shoot" was

The Primary and General Elections  
are coming up! Here are important  
dates:

### PRIMARY ELECTIONS

August 4th – Primary Election Day,  
polls open 7am-7pm

### GENERAL ELECTIONS

October 3rd – Voter Registration  
Deadline 12:00pm

November 3rd – General Election  
Day, polls open from 7am-7pm

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coined, we have been forced to teach these additional lessons of survival when driving while black.

The governor goes on to state this conflict exist between the criminal class and law enforcement and then immediately makes a reference to race. Translated, his coded message equates the “criminal class” to people of color. The governor’s race-based assumptions perpetuate negative racial stereotypes that are harmful to our diverse democracy, and materially impair our efforts to maintain a fair and just society. The facts, according to the FBI, in 2011, are that white people committed about 6.58 million crimes; blacks committed 2.7 million and that white individuals were arrested more often for violent crimes than any other race, accounting for 59.4 percent of those arrests. His message only further alienates communities of color from law enforcement, hinders community policing efforts, and causes further erosion credibility and trust among the people of Mississippi.

He states “[t]his is an attack on law enforcement . . . by the criminal class” (again his coded fear summoning messaging). The fact is that there has been a long standing attack on young men of color. “Young black males in recent years were at a far greater risk of being shot dead by police than their white counterparts – 21 times greater”, according to a ProPublica analysis of federally collected data on fatal police shootings.”

“Simply put, if you don’t violate the law, disobey a police officer during an intervention and don’t resist arrest, your chances of being in conflict with an officer are non-existent.” This statement was among the most ludicrous statements made by the Governor. He further asserts this is not a racial conflict and uses the word “allegedly” in reference to racial profiling as if this is a baseless notion or some whimsical myth. The facts are racial profiling is a real and pervasive problem. Even former President Bush and the U. S. Supreme Court acknowledged and condemned racial profiling as a reality. Data collected across America documents the persistence of racial profiling throughout the country. “Hit rate” analysis of stops and searches in numerous jurisdictions show that people of color, including Blacks and Latinos, are

stopped, frisked, and searched at rates far higher than whites, but are no more likely, and very often less likely, to have drugs or weapons on them. Racial profiling violates the U.S. Constitution by betraying the fundamental American promise of equal protection under the law and infringing on the Fourth Amendment guarantee that all people be free from unreasonable searches and seizures.

“Organized destructive movements” these words penned by the governor are reminiscent of rhetoric of the “good people”, who commonly referred to themselves as the White Citizens Council during the 60s and 70s, “a time of social unrest” according to the governor. Historical fact refers to this period of as the Civil Rights Movement. An organized movement, such as the Civil Rights movement, typically arises when intolerable conditions imposed by an oppressive government have caused a people to be “sick and tired of being sick and tired” in the words of the Civil Rights veteran and heroine, Fannie Lou Hammer. The organized civil movement of peoples of color joined and supported by people of different races brought about positive change for all people of this country. I wonder if Governor Bryant were governor in the 60s or 70s would he have referred actions by the Citizens’ Councils, white segregationists and supremacists, who organized to oppose integration and the Supreme Court decision, or the Ole Miss riots as an “organized destructive movements”. Or maybe he would have stood on the steps and said about the Civil Rights Movement that such undertaking a will not come here because “our people are just simply better behaved and more

respectful of authority” as he stated on May 1, 2015 in reference to rioting in Baltimore and other incidents of racial discord in America. To many of us, his words were received as coded language “our [black] people” know their place”.

The governor calls on the “good people” to once again stand for law and order. It is this type of speechmaking which spurred Jim Crow laws. I, therefore, call on all the people of Mississippi and especially members and supporters of the ACLU of MS to stand for and embrace fairness that we esteem as Americans and to build trust not discord between police and our communities that is essential to keeping all of us safe. I also implore all Mississippians to be aware and to be vigilant in defense of freedoms. Be ever watchful in the next legislative session, be it special or regular. The Governor’s message should be considered an early warning that knee jerk fear baited legislation will be introduced to further erode the rights, freedoms and liberties of Mississippians, especially those he has attempted to disguise as a “criminal class”.

The ACLU of MS in no way condones criminal activities or the unlawful killing of any law enforcement. Equally we oppose the abuse and unnecessary killing of ordinary citizens at the hands of law enforcement officers. I reiterate my intent here is not to further divide but to delineate what is truth from rhetoric intended to expand the still existing rift the between the people of this state. Our work is not done. Your continued support of this organization is more critical today than ever before. Only together will Mississippi be made better.

## **The ACLU of Mississippi, Inc. is publishing a Legislative Score Card.**

This advocacy tool will help you hold your legislators accountable for pursuing racial, cultural and economic equity. Want to know when it’s released?

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# Free At Last

BY ANDRES WALLACE

Last winter we brought you a story about the legislature's efforts to reform Mississippi's criminal justice system. In their efforts, Mississippi lawmakers passed House Bill 585 (HB 585), a piece of legislation that promised much needed reform to Mississippi's criminal justice system. Notable is the change to the parole eligibility statute which now allows non-violent habitual offenders that have served at least twenty five percent of their sentence to petition their sentencing judge for a recommendation to the Parole Board. In response, we filed several petitions on behalf of several non-violent habitual offenders currently incarcerated in Mississippi state prisons.

Larry Dozier was one of the inmates for whom we petitioned. Included in last winter's newsletter was a profile of Mr. Larry Dozier. At the time of his profile, Mr. Dozier was an inmate incarcerated at the Mississippi State Prison ("Parchman"). For the past twenty-five (25) years, Larry Dozier has been incarcerated at Parchman for a non-violent crime. Much like other inmates that have been classified as habitual offenders, Mr. Dozier was given a sentence that did not seem to match the crime committed. Mr. Dozier was sentenced to 40 years in prison. Originally, we filed a petition on behalf of Mr. Dozier and others like him in October of 2014. After our diligent efforts, the new senior judge began to review Mr. Dozier's petition. It had been a long time coming and through it all, Mr. Dozier did not lose faith and at last, he is now a free man.



Speaking with Mr. Dozier, one can hear the joy in his voice. It is the voice of a man that is happy. Happy to be free man. Happy to be able to spend time with his family. When asked how he feels about being a free man, Mr. Dozier simply responded by saying "I feel great." He spoke about the joy he feels from being able to spend time with his aging mother and the joy of seeing his grandchildren in-person for the first time. HB 585 provided the corridor for restorative justice. The ACLU of Mississippi's efforts were not lost on Mr. Dozier, he is very grateful for our help.

In addition to filing a petition for Mr. Dozier, we filed petitions for a hearing before the parole board for four other individuals. Each of these individuals have been classified as habitual offenders and have all been dealt extremely harsh sentences for non-violent crimes. Three have been granted a hearing before the parole board and one is awaiting a decision. The ACLU of Mississippi remains committed to reducing Mississippi's prison population and continues to file these actions on behalf of individuals in targeted districts.

## We Are Mississippi

BY KEIA JOHNSON

Mississippians live daily without any state protection against discrimination. A person can literally be discriminated against for being a woman or a man; black, brown or white; abled or disabled; exercising religion or choosing not to believe; or straight or gay. Our only recourse is to rely on the federal court systems for protection. This is a sad and unnecessary reality. Mississippi is one of the few states that does not have a single state law protecting any of its citizens

from discrimination. Conservative states like Mississippi consistently invoke the doctrine of states' right of self-government. Yet, lawmakers have rejected the opportunity to embrace this principle when it comes to equal treatment and protection for all Mississippians. Mississippi needs a state law that protects everyone. Regardless of our race, sex, gender, religion, nationality, disability, gender identity, or sexual orientation, we are Mississippians.

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# Intern Spotlight

## Deirdre Jackson of MS

Prior to becoming a legal intern for the ACLU, Deirdre served as the paralegal for the Capitol Post Conviction Counsel for 7 years and Diaz Law Firm for 2 years. She is a 2012 graduate of Mississippi College and is a rising third year law student at Mississippi College School of Law. She chose the ACLU after working several years with the Office of Capitol Post Conviction Counsel. She noticed that the inmates' civil liberties were being violated and needed to be addressed and she is keen on them having a vehicle through the ACLU. Deirdre says, "If you allow one group's civil rights to be violated, other group's rights will fall like dominos. These rights must be protected."



Vicksburg, MS. She is excited to work on the Americans with Disabilities Act Compliance Project and different Know Your Rights campaigns. She is hoping to gain more knowledge on how she can help other people and become a better person as well from this experience.

## Marquisha Trice of MS

Marquisha chose the ACLU because she is passionate about our mission and all things related to human rights. She is intrigued with disabilities rights work because she has a family member with a disability. She is excited about working on many different projects, but in particular, the ADA Compliance Project. Marquisha graduated from Jackson State University and is now in law school at Mississippi College. She hopes to gain more knowledge, hands on experience, and the ability to do more networking.



looking forward to court house visits and being able to get experience that you don't usually get in a law school classroom. She expressed her excitement about working on our "Giii project", which allows nonviolent offenders previously sentenced to life without the possibility of parole to apply for parole under 2014 House Bill 585. She said that some work that the ACLU has done sparked her interest and right now, she is doing her own independent research on debtor's prison.



## Condrea Collins

Condrea is a graduate of Alcorn State University and is now in law school at Mississippi College. She is a member of the ACLU chapter on her school's campus. Condrea has always been interested in nonprofit organizations and the many things for which they stand. Prior to her work here, she was an intern at Tony Terett Law Firm in her hometown of



## Jayne Womack of MS

While attending Southern University for law school, Jayne was taking courses in civil rights law and constitutional law when her professor suggested the internship opportunity here at the ACLU. She is a native of Slidell, LA and received an undergraduate degree from Southeastern University. She likes that she has been getting hands on experience. Jayne is

## Aaryn Jackson

As a rising second year law student at Mississippi College School of Law, Aaryn is no stranger to nonprofit organizations. He has had the privilege to sit in on court cases with the Southern Poverty Law Center and what he saw left him very impressed. He says that he and fellow interns are looking forward to working on same sex marriage in Mississippi. With this experience, he hopes to network with more people in the legal field, wants to get a better knowledge for writing, filing and more practice.



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# Keep Mississippi Students Safe

BY MORGAN MILLER

## CADE'S STORY

Imagine hearing your child screaming for help while being forced to remain in a box by someone you trusted to look after your child. That is how Heather Rhodes found her son Cade one day in his classroom.

Cade is a vibrant 9-year-old who loves to play baseball and “is loyal to a weakness,” says Heather. Cade has Autism Spectrum Disorder, Central Auditory Processing



Disorder (CAPD), and Attention Deficit Hyperactivity Disorder (ADHD). That day, he knew his mom was in the school for a meeting and to celebrate with him and his twin sister, Calea. It was their birthday. Cade became upset when he couldn't see her. Instead of reassuring him, his teacher forced him to stay in a box, which only escalated his behavior.

“I could hear my child screaming ‘let me out, I want my momma, please let me out,’” Heather says.

## KRYSTIN'S STORY

Krystin Polk is a 14-year-old in 8th grade who loves crafting and is an avid reader, reading about 20 books a week.

In 2014, her mother, Krystal got a phone call that Krystin had been arrested at school for disorderly conduct. The School Resource Officer (SRO) told Krystal that Krystin wouldn't calm down and was arrested and taken to the Desoto County detention facility “for her own good.”

That day, Krystin wandered away from school, something that was detailed in her Individualized Education Program (IEP). Nearly half of children with Autism Spectrum Disorder wander away from supervised, safe places. When the SRO tried to restrain her to bring her back, she swung at him, a manifestation of her disability described in her IEP. The SRO tackled Krystin, restrained her and she was placed overnight in the detention facility.

These are just two of the many stories of children in Mississippi who have been



## TODD ALLEN

Todd joined ACLU-MS in June 2015 as an Advocacy Coordinator. Todd is a community organizer, a human rights advocate and educator. Todd is from Jackson and went to Belhaven University. He served as a chaplain in prisons, hospitals and the US Army. In 2003, Allen decided to open up publicly about his sexuality and as a result, he lost his endorsement as a Southern Baptist chaplain. According to Todd, “I lost a job and found a

calling to speak up for those who cannot speak for themselves.” He is currently working with team of community leaders to establish Jackson, Mississippi's first LGBT+community center, The PRISM Center, to increase understanding and support of “human-sexuals” and people of all gender and gender identities. Todd is the father of two college students: Graham and Carson. He believes that the work of the ACLU is critical for creating a better world for his children and for all Mississippians!





impacted by restraint and seclusion in school. With our grant from the W.K. Kellogg Foundation, we launched a story-collection and educational website called Keep Students Safe.

Keepstudentssafems.org will serve as a place for parents to share their child's story of restraint and seclusion in Mississippi schools. It also provides information on restraint and seclusion emphasizing the importance of a statewide, uniform policy on how schools should address escalated behaviors. Additionally, keepstudentssafems.org shares the stories of two Mississippi families that have been affected by restraint and seclusion.

School should be a safe place where our children are nurtured academically, emotionally and socially. Students of any age, race, gender and ability should be treated with respect and dignity.

In some states- including Mississippi – schools are allowed to violate these standards. Students risk being subjected to traumatizing, dehumanizing and dangerous procedures known as restraint and seclusion. Restraint and seclusion are used disproportionately on students with disabilities and students of color in Mississippi.

- Students with disabilities are six times as likely to be physically restrained at school, compared to non-disabled students.
- Students of color with disabilities are twice as likely to be secluded or restrained.

If you or someone you know has been impacted by restraint and/or seclusion, have them share their story. Together, we can reduce and ultimately restrict the use of restraint and seclusion on Mississippi's most vulnerable children. Visit [keepstudentssafems.org](http://keepstudentssafems.org) for more information.



AMERICAN CIVIL LIBERTIES UNION OF MISSISSIPPI

# JAZZ BRUNCH



## 2015

**DONNA**



**BRAZILE**

KEYNOTE SPEAKER

**September 12, 2015**

THE CAPITOL CLUB, JACKSON, MISSISSIPPI



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# Criminal Justice Reform: A 2016 Advocacy Update

BY **BLAKE FELDMAN**, ADVOCACY COORDINATOR

In recent years, Mississippi has begun the process of reforming its criminal justice system to improve public safety and reduce state spending. Recent data suggests we're on the right path. Mississippi's imprisonment rate decreased more than any other state in 2014, largely due to the passage of HB 585. We may no longer have the second highest incarceration rate in the country, but we cannot be satisfied with fifth. There's a lot more to be done.

If the first step to solving a problem is recognizing there is one, the first potential misstep is underappreciating the extent of that problem. Even in light of this unprecedented decrease in the state's prison population, our incarceration rate is only surpassed by four states. In other words, Mississippi still cages humans at a rate higher than any country on Earth.

All things considered, HB 585 and the prison population decline of 2014 is the first step in a long journey to reform our criminal system into a criminal justice system. The importance of sentencing reform is undeniable, and the ACLU of Mississippi will continue to push more reforms that weren't included in HB 585.

At a time when state officials are considering reforms to assist offenders with successful re-entry upon release, we are continuing to advocate for pre-



release Medicaid enrollment for eligible incarcerated persons.

We are also continuing our work to bridge the gulf of mistrust between law enforcement and the community. In response to the high profile police killings of 2014, local law enforcement agencies began equipping patrolmen with body cameras, but without proper legislative guidelines these cameras are the epitome of "one step forward, two steps back."

We will work to ensure that legislative parameters are set so that body-worn cameras actually promote transparency, accountability, and properly balance privacy concerns of civilians.

We are also working with legislators to pass a bill requiring law enforcement officers receive written consent to search vehicles when no other lawful basis – such as probable cause or exigent circumstances – exist. Consensual

searches are bad policy to begin with, but if they continue to be part of police practice, we must require that consent be freely and voluntarily given by civilians who understand their right to refuse.

Finally, we will demand, without compromise, that municipal courts in our state operate within the confines of Due Process. In September, we filed a federal lawsuit against the City of Biloxi for operating a

modern-day debtors' prison, and we have received reports of similar experiences in other towns throughout the state. Poverty is not a crime, and we will not accept any courtroom culture that tramples on poor Mississippians in violation of Fourteenth Amendment.

There's no room for cynicism in this fight, and we are cautiously optimistic our state is genuinely working towards having a fair and just criminal system. However, it is paramount that we vigilantly require good intentions be accompanied with good policy. It is essential that our advocacy overcomes state officials' complacency when we've only begun criminal justice reform.

**Check out our 2016 Legislative Preview on page 3 to learn more about what the ACLU of MS has in store this session...**



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## A LETTER FROM THE EXECUTIVE DIRECTOR



Members,

When we were last together at the Jazz Brunch, there was an air of hopefulness as we approached what could be possible. I heard and participated in conversations about what could be “if” and “when” in Mississippi. I left the room elated. A few weeks ago, I felt deflated when I read the outcomes from the November elections. But I said to myself and to this staff “this is why we exist”. The ACLU of MS exists because progress has never come easy here. Our work just got harder, but we are stronger and more determined to stand in defense of freedom and to extend equality to all Mississippians.

Members, we must all recognize our work just became more important. We must stand in the gap for vulnerable children especially in schools that are ill equipped to provide education and therefore funnel them into prison. We must push the envelope on equal protections for all people. We must ensure criminal justice reforms make social and just sense not just economic sense. We must not stand by and feel defeated - there is work yet to be done.

You will read in this newsletter about the hard work to challenge practices that make being poor a crime, about our legislative and advocacy efforts to establish protection from discrimination for all Mississippians, about the Sunflower County Systems Change Project and an update on protest protection in Stonewall County the wake of the death of Jonathan Sanders, and even an alert about use of drones. You will see that much work is being done across this state. But we need your help!

You, too, may have felt a little defeated on the morning of November 4th. Please stand with this great staff doing this work, and, now, even harder work. This harder work will take even more resources - please ask your friends, family, folk you see in the store to support this work. As we approach the end of the year, this is a great time to contribute and encourage others to make tax deductible donations. When you are having angry conversations about the election outcomes and the state of affairs, simply say, “Let’s not fuss about it. Let’s fight about it. Let’s put our money in the hands of the best fighter in the ring - the ACLU of MS.”

Together, we will make Mississippi better.

Sincerely,  
Jennifer Riley-Collins

### Leave a legacy of liberty for generations to come.

Thousands of passionate civil libertarians have stepped forward and expressed their most cherished values by making a deeply meaningful gift to the ACLU in their estate plans.

We invite you to join this special group of ACLU supporters who have made freedom, justice, and equality their legacy.

To learn more, or to take advantage of our estate planning resources, visit [www.aclu.org/legacy](http://www.aclu.org/legacy) or call toll-free 877-867-1025.

### Upcoming Meetings of the Board of Directors:

December 12, 2015

March 6, 2016

June 5, 2016

September 17, 2016

# Legislative Score Card and 2016 Equity Agenda



The ACLU of Mississippi, Inc. is publishing a Legislative Score Card and 2016 Equity Agenda. These advocacy tools will help you hold your legislators accountable for pursuing racial, cultural, and economic equity. Stay up to date by visiting our website at [www.aclu-ms.org](http://www.aclu-ms.org).

## LAW ENFORCEMENT & TRANSGENDER COMMUNITY TRAINING BY CHARLES IRVIN, LEGAL DIRECTOR



In November, the ACLU of Mississippi partnered with the U.S. Attorney's Office for the Southern District of Mississippi, Mississippi Attorney General's Office, the Department of Justice Community Relations Service (CRS), and Southern Poverty Law Center to co-sponsor the "Law Enforcement and the Transgender Community Training." The purpose of this training was to educate law enforcement when interacting with citizens who identify themselves as transgender.

Law enforcement officers from across the state received tools to help them serve transgender communities more effectively by building trust, developing a network of reliable resources, and properly identifying and responding to allegations of hate crimes, harassment, and



violence. Law enforcement learned relevant terminology, gained an understanding of misconceptions that impact the prevention of and response to hate crime, and were exposed to strategies and resources for successful case development in cases involving transgender victims, witnesses, or community members.

After attending the Department of Justice CRS rollout training in Atlanta back in April 2014, our office brought together various partners to plan a Mississippi training for the Northern and Southern Jurisdictions in conjunction with the U.S. Attorney's Office. Our collaborative work with law enforcement came to fruition with November's trainings, and has helped to develop relationships with these agencies in an effort to affect change.

## VETERAN POLITICAL STRATEGIST DONNA BRAZILE HEADLINES JAZZ BRUNCH

The ACLU of Mississippi hosted senior Political Strategist Donna Brazile at its Jazz Brunch in September. The Jazz Brunch followed our annual membership meeting and helped to raise funds for the organization. During her keynote, Brazile addressed voting rights, mass incarceration, and marriage equality. "I'm glad that the ACLU is fighting tooth and nail under the law."





# We Are All Mississippi

BY TODD ALLEN, ADVOCACY COORDINATOR



The Mississippi economy will grow only as we provide opportunities for every Mississippian to live the best life possible. Prejudice prevents progress. Bias is bad for business. We must increase opportunities for every Mississippian to succeed in school, on the job and in our communities. We must eliminate barriers that limit freedom of expression. That's why the ACLU of Mississippi has developed the "We are ALL Mississippi" Campaign, a movement to urge state legislators to pass the Mississippi Civil Rights Act.

Mississippi is one of the few states where the legislature has yet to secure civil rights protections for everyone. The Mississippi Civil Rights Act will help to foster the best climate for customers, clients and guests who visit our state. Everyone has the right to be free from discrimination.

The Act will protect against discrimination based on race, color, religion, national origin, sex, sexual orientation, gender identity, disability or familial status.

The largest corporations in America use these same categories of discrimination in all of their policies and procedures. These businesses realize that creating a positive work environment for everyone is the only way for any business to thrive and to grow. However, 21st century businesses will find it difficult to relocate here as long as we allow 19th century practices to continue in the workplace.

Because our state lawmakers have failed to guarantee our civil rights, we remain vulnerable to discrimination. Despite the fact that black men and women have been elected to serve in dozens of

positions in local and state government, Mississippi state law does not protect people from racial discrimination on the job, in the school and in housing and public accommodations. The Mississippi Civil Rights Act will send a strong, clear message: we welcome everyone to the hospitality state.

Mississippians do not have any state civil rights protection from discrimination based on gender. There is no state law to keep any woman from not being hired or from being fired for simply being a woman. This is true even though men are still in the minority in Mississippi. Only 48% percent of Mississippians are men, while women make up a majority of the population with 52%.

In addition to race and gender, people with disabilities who make up 20% of Mississippi's population, have no state law to guarantee their civil rights. Federal regulation and legislation are insufficient to combat the discrimination and harassment that too many of our fellow Mississippians deal with on a daily basis.

Hospitality is not a new concept. It as old as the golden rule and based on the ancient commandment to love each other. Let's live up to our motto and be the hospitality state that we know that we can be.

It is not too late, but we need to act now. Contact your state representative and senator to let them know that you support the "We Are ALL Mississippi" campaign and the Mississippi Civil Rights Act.

## Where is the Executive Director?

It has been an amazing two and a half years since I stepped out of combat boots and into high heels as Executive Director of this great organization. In September at the Jazz Brunch I told our guest that I was fortunate to lead a team of warriors who stand daily in defense of freedom. I likened this team to Soldiers who have sworn to protect and defend. Little did we know that I

would once again be called upon to put on my combat boots in full-time service of this nation. As Colonel Collins, I have been ordered to the Washington, DC area for a period of time.

Thankfully, the Board of Directors has approved a plan of action, which postures the ACLU of MS for success. I will continue to provide oversight and

direction as we challenge policies and practices that infringe on the exercise of freedom. I am also pleased that a Deputy Director of Programs will be joining our staff to help ensure our programs are integrated for greatest impact.

I value members input and encourage you to reach out. I can still be contacted at [jriley-collins@aclu-ms.org](mailto:jriley-collins@aclu-ms.org)



# Sunflower County Systems Change Project

BY AISHA CARSON, ADVOCACY COORDINATOR



When a group of community members in Sunflower County, MS was asked: What are the words that come to mind when you think of Young Men and Boys of Color (YMBOC) in your community?, some people answered “potential.” Others said things like “misguided” or “misunderstood.” These conversations are helping to shape the Sunflower County Systems Change Project (SCSCP), a collaborative effort between the ALCU of Mississippi, Mississippi Center for Justice, Sunflower County Consolidated School District and its P-16 Council. Funded by the W.K. Kellogg Foundation, SCSCP is a community based systems change approach that addresses

school discipline, juvenile justice and media narrative of YMBOC.

Young Men and Boys of Color are most susceptible to the harsh realities of criminalization. Perceptions of YMBOC have dictated how people interact with them, even in school. The National ACLU reported that although black students account for only 14% of the children in American public schools, they are 42% of the students with multiple suspensions. Zero-tolerance discipline policies have resulted in black students facing disproportionately harsher punishment, making them three times

more likely to be suspended or expelled. With 31% of black students representing school-related arrests, black students, particularly YMBOC, are more likely to be caught in the school to prison pipeline through increased contact with the juvenile justice system.

The Sunflower County Systems Change Project is actively engaging the school district, juvenile justice system, media, and community stakeholders in an effort to establish best practices and supportive strategies that will create a model for improved outcomes for YMBOC. Stay tuned to [aclu-ms.org](http://aclu-ms.org) for project updates.



# Debtors' Prison Class Action Lawsuit

BY CHARLES IRVIN, LEGAL DIRECTOR



Qumotria Kennedy, Richard Tillery and Joseph Anderson – ordinary Mississippians failed by the municipal court system in Biloxi. They are plaintiffs in a class action lawsuit filed by the ACLU against the city of Biloxi, the chief of police, judge and a private probation company. These three individuals are among the victims of an illegal scheme that jails poor people for failure to pay fees and fines without a hearing. Nationally this practice is referred to as “Debtor’s Prisons,” and Biloxi is running one.

It’s been more than three decades since the Supreme Court banned the practice of locking people up because they can’t afford to pay court fines or fees, but allegations of modern-day debtor’s prisons have continued to crop up throughout the country.

**“It’s a debtor’s prison out of the dark ages. Bottom-line: people are jailed because they don’t have money.”**

- Nusrat Jahan Choudhury,  
ACLU Racial Justice Program

Kennedy was thrown in jail for five nights following her arrest on a warrant for failure to pay traffic fines. Police arrested Anderson, who is disabled, on a warrant charging him with failure to pay a traffic fine. He sat behind bars for seven nights before going to court. Tillery, who is homeless, has been arrested nearly 90 times. In all of these case, and in many others, the victims are told they can only

avoid jail if they pay the entire amount of outstanding court fines and fees up front.

The detainment, as is the case in each of our named plaintiffs, is not for the crime but the money owed. They are not provided an attorney to represent them in an ability to pay hearing and in many cases, they sit in the Harrison County Adult Detention Center for days and sometimes weeks before they are brought before the court again. This policy and practice must stop.

The lawsuit is a result of an investigation by the ACLU of Mississippi and the ACLU National Racial Justice Project.

**FOR THE FULL COMPLAINT AND TO SHARE YOUR STORY, VISIT [ACLU-MS.ORG](http://ACLU-MS.ORG).**

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# Domestic Drones in Mississippi

BY BLAKE FELDMAN, ADVOCACY COORDINATOR



The use of domestic drones are not just a federal issue anymore. The Rankin County Sheriff's Office acquired a drone in October following the release of our white paper, *Domestic Drones: Cause for Concern?*, which outlined our concerns with the use of drones by government agencies.

Last year, the state legislature introduced a Drone Prohibition Act (HB 347), which was deficient in civil liberty protections. The ACLU of Mississippi actively lobbied against this proposal. Not only did the bill allow for law enforcement to conduct drone surveillance without a warrant, but

it also failed to establish clear standards for the retention and disclosure of the images and other data acquired through governmental drone use.

Privacy rights and civil liberties are at the heart of what it means to be American. There's so much room for our fundamental rights to be violated and – equally concerning – for the public's willingness to exercise those rights to be chilled because of mass surveillance.

Drone policy will be legislated and regulated in coming years, and we will continue to track legislative, policy, and industry developments within Mississippi – supporting those respecting privacy rights and zealously opposing those which do not.

***READ DOMESTIC DRONES: CAUSE FOR CONCERN? AT [ACLU-MS.ORG](http://aclu-ms.org).***

## Protest Rights in Stonewall

BY BLAKE FELDMAN, ADVOCACY COORDINATOR



Jonathan Sanders was exercising his horse in the relative cool of night this summer when Stonewall Police Officer Kevin Herrington placed him in a lethal chokehold, which ultimately resulted in Jonathan's death. In response to community members eager to express their grief, anger, frustration and

demands for justice following the incident, the ACLU of Mississippi sent a letter urging Stonewall authorities to respect their First Amendment rights.

***On September 1, our office received reports that the local government had implemented a policy requiring protests***

***of more than 25 people to receive prior permission. We provided the Board of Alderman and Mayor with notice that we were troubled by the reports we had received.*** We have maintained communication with Stonewall Chief of Police, who has been completely open to our involvement in drafting a protest ordinance. Thus far, recognizing that we are watching, Chief Michael Street, Mayor Glenn Cook, and the Board of Alderman have neither denied a permit for a planned protest nor shut down a protest.

We have also received reports of possible harassment and intimidation from nongovernmental actors. ***We have encouraged protesters to report intimidation to the ACLU of Mississippi and the local authorities – who have a lawful obligation to respond.*** We are continuing to monitor the situation.



# Restraint and Seclusion: Pushing for Statewide Policy for All Children

BY L. RENE HARDWICK, ADVOCACY COORDINATOR



This summer, we brought you the stories of Cade and Krystin, two of the many children in Mississippi who have been impacted by restraint and seclusion in school. Cade, a 9-year old with Autism Spectrum Disorder, Central Auditory Processing, and Attention Deficit Hyperactivity Disorder, forced into a box by his teacher when he became upset at school. And 14-year old Krystin, who also suffers from Autism Spectrum Disorder, restrained, arrested, and placed overnight in the detention facility for disorderly conduct.

The passionate, emotional, and heart-wrenching testimonies of Cade and Krystin's parents, other caretakers, advocates and stakeholders were the highlights of two public hearings aimed at the Mississippi Department of Education's Proposed Draft Policy 4013-Restraint and Seclusion.

The ACLU of Mississippi in conjunction with the Concerned Citizens Group and other advocacy and disability agencies and organizations across the state facilitated the oral proceedings request, held in September and October. The hearings provided the forum for public testimony to be heard and documented by MDE concerning the urgent need to develop and expand upon draft Policy 4013.

Mississippi is one of 5 states that lacks any guidelines, regulations, mandates or legislation with respect to the use of restraint and seclusion, an aversive practice used as a form of punishment and discipline on students. These practices are disproportionately used on students with disabilities and against students of color.

While MDE is working to establish policies and procedures to protect our most vulnerable, the ACLU of MS believes that more work is required to develop a more holistic policy that keeps our students safe, which:

- Establishes prevention as the foundation for reducing the need or restraint and seclusion if not eliminating its use altogether.
- Ensures school leaders are involved.
- Provides a baseline to report and collect data regarding the use of restraint and seclusion.
- Economically benefits districts: Restraint and Seclusion use is violent, expensive and largely preventable. Research demonstrates that the use of prevention and positive approaches are cost saving.

- Promotes the safety of both children and teachers.
- Excludes the use of restraint and seclusion as a planned intervention in the Individualized Education Plan (IEP), Behavior Intervention Plan, (BIP), and 504 Plan, except in emergency responses when all else has failed and there is imminent danger of serious bodily injury.
- Promote alternatives, such as positive behavioral interventions and supports and other de-escalation techniques.

The approval and adoption of a comprehensive state-wide restraint and seclusion policy would clearly create safe schools for all children and school personnel.

The ACLU of MS has sounded the alarm and urges MDE to take action, for the academic futures of all children and for the state of Mississippi is dependent on it.

**DO YOU HAVE A RESTRAINT AND SECLUSION STORY?**

**VISIT [KEEPSTUDENTSSAFEMS.ORG](https://www.KeepStudentSafeMS.org) TO SHARE AND FOR MORE INFORMATION.**

# Schoolhouse Rights Rock!

BY L. RENE HARDWICK, ADVOCACY COORDINATOR



In light of recent acts of violence and deaths at the hands of law enforcement, it is fair to conclude that there is an affront against the youth of America. Our most vulnerable, particularly African American males, children of color and disabled children across the nation, are disproportionately abused, criminalized, racially profiled and funneled into the school-to-prison pipeline—all right before the very lenses of our phones and cameras.

As part of our dedication and commitment to protect and defend the freedoms and liberties of all Mississippians, the ACLU of MS hosted its first annual Schoolhouse Rights Rock! created to promote public awareness and education of these rights in an effort to empower, inform, and influence change.

Designed as a “know your rights” campaign, middle and high school students across the state converged upon the Mississippi Museum of Art on Saturday, August 29, 2015 for the one-day back to school event. The program showcased a series of public education “Know Your Rights” forums for students, parents and advocates on issues pertaining to Restraint and Seclusion in Schools, Encounters with Law Enforcement, Schoolhouse Rights, and LGBTQ Rights.

New York-based performing arts troupe **Theatre of the Oppressed** interactively engaged participants through role play activities that applied knowledge and perception in solving real world issues. The troupe trained a group of willing and

excited students, who not only served as volunteers and co-facilitators during student workshops, but were also featured as the culminating theatrical performance on the main stage set against a life size backdrop which read: “Our Students Deserve Better: Support Safe Alternatives to Restraint and Seclusion.”

Kevin Fong, a nationally recognized facilitator and trainer, utilized philosophies in organizational systems to involve students, parents and advocates in understanding and resolving conflict, specifically, when engaged with law enforcement. Additionally, Attorney June Hardwick, former Municipal Judge and Hinds County Public Defender, provided insight and brought a “real world” context and relevance to knowing your rights in theory and in practice when encountering law enforcement.

The day ended with a concert featuring local celebrity Noo-Noo, a 14 year old scholar and artist who uniquely blends hip hop and pop into her music.

Next year’s Schoolhouse Rights Rock! is sure to provide an even greater and broader platform to enjoy a day of fun while increasing the knowledge, awareness and the involvement of youth, parents and advocates across the state. Until then Mississippi, #RockYourRights!

**Sign up for email alerts at  
[www.aclu-ms.org](http://www.aclu-ms.org) and connect with us on social media.**



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# LGBT Rights Inside the Schoolhouse

BY TODD ALLEN, ADVOCACY COORDINATOR



"LGBT children are our children. They should not be left alone to fend for themselves or to navigate perilous systems. Like every other child, LGBT children in our communities must be made to feel safe. Too often, LGBT students are subjected to

discrimination and harassment, especially at school. Without a welcoming learning environment, there are significant consequences to a student's sense of safety and ability to succeed in school."

This passage appears in the recently published education resource guide entitled, "Advocating for LGBTQ Students Rights in the Mississippi Delta." The ACLU of Mississippi in collaboration with the Nollie Jenkins Family Center, Inc. co-authored the manual in response to the urgency of these needs and concerns of Mississippi Lesbian, Gay, Bisexual, and Transgender Youth.

The 64-page publication is a reference tool for parents, students, advocates as well as

educators and school administrators in an effort to support the creation of safe spaces for LGBT students, and to encourage a community that acknowledges and includes LGBT young people.

Notably, this guide primarily involved the work of young people in the Mississippi Delta region with the help of a grant from the LGBTQ Racial Justice Fund. The fund aims to "develop and strengthen a strategic and effective advocacy sector addressing the needs of LGBTQ communities of color in the Southeastern United States."

"Advocating for LGBTQ Students Rights in the Mississippi Delta" can be accessed and downloaded at [aclu-ms.org](http://aclu-ms.org).

## LEGAL UPDATES

BY CHARLES IRVIN, LEGAL DIRECTOR

### Nation Watching Mississippi's Google Suit

In partnership with the [National ACLU Speech, Privacy, and Technology Project](#), the ACLU of Mississippi filed an [Amicus brief in the Google, Inc. v. James Hood](#) appeal, a case that has garnered global attention from Hollywood to internet providers. The Attorney General sought to use subpoena power to get information from Google containing information of citizens across Mississippi. Google sought an injunction in the Southern District of Mississippi, which was later granted. As a result the Attorney General filed an appeal with the Fifth Circuit Court of Appeals. The use of subpoena power in this case is



an infringement on the very essence of free speech. Those first amendment rights should not be sacrificed in this age of technology and daily internet use. This type of monitoring of usage simply should not occur. There's no ruling yet. The ACLU of Mississippi will continue to monitor this case.

### ACLU Files Amicus Brief Against Dollar General

In October, the American Civil Liberties Union of Mississippi joined the National Office in filing an Amicus Brief on behalf of the Mississippi Band of Choctaw Indians at the United States Supreme Court against Dollar General Stores. A Dollar General employee was accused of sexually assaulting a teenager

of the Tribe, who was in the Dollar General sponsored "Youth Opportunity Program." Dollar General is now attempting to avoid jurisdiction. [We support the Mississippi Band of Choctaws right to exercise jurisdiction over Dollar General and its employee.](#)

# Welcome New Staff

## Aisha Carson



Aisha Carson is the Advocacy Coordinator for the Sunflower County Systems Change Project. A native of Vicksburg, Mississippi, she is a proud alumnus of the University of Southern Mississippi, where she received a BA

in Political Science with a concentration in Black Studies. Her experience in volunteering for Mississippi Center for Justice and as a civil rights researcher in the Center for Oral History exponentially grew her knowledge of the fundamental challenges that face vulnerable populations and helped to shape her aptitude for systems change. Aisha also received a Master's in Public Administration from Belhaven University.

## Blake Feldman



Blake Feldman is the Advocacy Coordinator for Criminal Justice Reform at the ACLU of Mississippi and a recent graduate of the University of Georgia School of Law. During his spring and winter breaks,

he volunteered twice for the Orleans Public Defenders in Louisiana and once for the Capital Post-Conviction Counsel in Mississippi. Through law school clinics, he interned with both the public defender office in Athens, GA and the Federal Defender Program in Atlanta, GA, and

he was a summer intern for the Bronx Defenders in 2014. He has assisted in the defense of clients prosecuted by the U.S. government for felony drug and sex crimes as well as clients prosecuted at the state level for crimes ranging from disorderly conduct to capital homicide. Before moving to Georgia in 2012, Blake received his BS from the University of Southern Mississippi. While he hasn't ruled out a future career in public defense, he is excited to work for systemic reform through community organizing and public advocacy.

## Erik Fleming



Erik Fleming is the Legislative Strategist for the ACLU of Mississippi, and brings a wealth of experience to this position. Fleming, a 2006 and 2008 Democratic nominee for the U.S. Senate in Mississippi,

was a member of the Mississippi House of Representatives - 72nd District. He successfully authored or co-authored 20 bills that became law in the state of Mississippi. Most recently, Fleming was a Collector of Revenue, Deputy Sheriff, a paralegal with the Mississippi Immigrants Rights Alliance and an advocate with the Mississippi Community Development Corporation. He has also previously served as the Chief Operating Officer for New Horizon Ministries, Inc. and Associate Editor of the Mississippi Link Newspaper. Fleming received his Bachelor's degree in political science from Jackson State University, and was awarded an honorary Doctor of Divinity from the Universal Life Church in Modesto, California. He is the father of one son, Sean Christopher.

## INTERN SPOTLIGHT

### Congratulations to two former ACLU of Mississippi interns.



Rita Santibanez is graduating this month from Mississippi College School of Law with a Certificate in International Comparative Law.

After graduating from the University of Oregon with a Bachelor's in Political Science, International Studies, and Spanish, she entered into the Peace Corps in Nicaragua, Central America as Community Health Promoter. Here's what she had to say about her experience with the ACLU.

"My time as an intern was one of my most valuable and interesting experiences in law school. The work I did while interning at the ACLU of Mississippi was so rewarding and I actually felt like I made a difference. My time interning under Charles Irvin and the rest of the staff at ACLU of MS only inspired and fueled my desire to fight for justice."

Rita says she plans to move to Washington, DC to pursue a career dedicated to the struggles of civil rights, international human rights, and immigration.



We also congratulate Nikita S. McMillian, who will now serve as judicial law clerk to Federal District Court Judge Carlton

Reeves for the 2016-17 term. Nikita is currently a 3rd year law student at Mississippi College School of Law, sits on the Editorial Board of Law Review, won the Law Review's Best Casenote Award in 2015, and won awards on Moot Court.

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## SAVE THE DATE! LEGISLATIVE ADVOCACY DAY

February 23, 2016 | 12-3 p.m. | State Capitol  
Press Conference @ 11:30 a.m.



[www.aclu-ms.org](http://www.aclu-ms.org)



# Legal Update: ACLU of Mississippi Settles Federal Class Action Lawsuit in Biloxi

BY CHARLES IRVIN, LEGAL DIRECTOR



The ACLU of Mississippi brought national attention to the Mississippi Gulf Coast when it sued the city of Biloxi in October 2015 for its exercising of modern-day debtors' prisons. Now, five months later, the ACLU of Mississippi along with our national partners in the Racial Justice Program have reached a major settlement agreement for the plaintiffs and spearheaded the adoption of policy reforms that will serve as a national model.

The federal class action lawsuit against the City of Biloxi, JCS Incorporated, Chief of Police John Miller, and Judge James Steele was filed on behalf of indigent people who were arrested and jailed on warrants charging them with nonpayment of fines and fees. The ACLU of Mississippi charged Qumotria Kennedy, Joseph Anderson and Richard Tillery were denied their constitutional right to counsel, an indigency hearing, and freedom from unreasonable seizures were violated.

The city of Biloxi has initiated policies that both parties agree are a model for courts in Mississippi and across the country. These sweeping reforms protect the rights of people who cannot afford to pay fines and fees imposed by Biloxi's municipal court for traffic and other misdemeanor offenses, to include that:

- Private probation companies will not be used to collect fines and fees after June 1, 2016.

- A full-time public defender has been hired to represent indigent people charged with nonpayment.
- No additional fees will be imposed on people who enter payment plans or are required to perform community service.
- A "bench card" detailing municipal court procedures will be used to protect constitutional rights in the fine/fee collections process. The card explains how the municipal court will conduct additional ability-to-pay hearings and lists the legal alternatives to jail.

Such unconstitutional practices exist not just here in Mississippi, but across the nation. The efforts of the ACLU of Mississippi and the willingness of Biloxi to see the problems and provide meaningful solutions serve as a roadmap for how to protect all citizens. If you know of other jurisdictions that have similar policies and/or practices, please contact our Legal Department.

Two of our clients explain how being sent to prison for small fines and fees can dramatically alter people's lives for the worse without any public benefit. Read their accounts below.

### QUMOTRIA KENNEDY

I was a passenger in a car with a friend one day in July when a police officer pulled us over. The officer ran my name for warrants, made me step out of the car, and put handcuffs on me.

From there he took me to the Biloxi police station and then to jail. At the police station, they told me I would have had to pay \$1,001 in cash to get out. That was what I owed in traffic fines and fees that I hadn't been able to pay. They didn't bring me to court, give me a lawyer, or even tell me that I had a right to one.

I didn't have the money. I was sad, upset, and crying. I'm a single mom, so I knew I'd have to be in jail and leave my daughter with my friend. My daughter didn't even know where I was or what happened for an entire night.

No one told me how long I'd be in jail. Each day, I was wondering when I would see my daughter or be brought to court. In the end, I was locked up five days.

When I was in jail, I lost my part-time job. Now I'm just on call as a cleaning person, so I only go to work once or twice a week. I'm struggling on so little.

Now they want me to pay hundreds of dollars a month for my fines and fees. But I just don't have the money. I asked the probation officer if I could do community service instead, but she said there was nothing she could do.

I owe so much money that I can't pay. Every day, I worry that I could get arrested and sent back to jail.

I decided to bring a lawsuit against Biloxi because I don't like what the city is doing to people. All it cares about is money. Biloxi locked me up for being poor. But it costs them money to keep me in jail. So this system doesn't even make any sense.

I hope that everybody knows that the system is trampling on poor people, and it's not fair.

### JOSEPH ANDERSON

When I got a \$200 traffic ticket, I knew I wouldn't be able to pay it. I made a payment or two from my disability checks, but I was living on so little, I couldn't pay any more. The Biloxi police issued a warrant on me, but I didn't know. The police knocked on my door, reached inside, and grabbed me.

**LEGAL UPDATE CONTINUES, PAGE 5**

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## A LETTER FROM THE EXECUTIVE DIRECTOR



*"It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of Light, it was the season of Darkness, it was the spring of hope, it was the winter of despair, we had everything before us, we had nothing before us, . . ."*

This quote from Charles Dickens' "The Tale of Two Cities" is very reflective of the times in which we are currently living in Mississippi and across this nation.

The best of current times are made the worst of current times when every stride toward equality is met with dark and vicious attempts to take two leaps backward. The U. S. Supreme Court has ruled that warrants are needed for law enforcement to search cell phones. Incredibly, now lawmakers are tackling another challenge to Fourth Amendment protections by examining whether law enforcement's access to details of where someone has gone or will go, as recorded by phones and other devices, should require a search warrant and "probable cause."

In Mississippi, we applauded the Secretary of State's legislative proposals to increase access to the voting polls by allowing early voting and online voter registration. And, yet, we had to stand in the same halls and rail against the introduction of bills proposed by the Attorney General, which would cloak pharmaceutical companies providing lethal injection in secrecy and which articulated alternative barbaric means of execution to include the electric chair and firing squads.

While the nation has recognized marriage equality and upheld adoption by a same sex couple, Mississippi legislators are attempting to modernize and reutilize Jim Crow Era laws with the introduction of HB 1523 – the "Protecting Freedom of Conscience from Government Discrimination Act."

Women are now recognized as capable of defending this nation in combat positions equal to men, and yet in Mississippi and across this nation, legislators are refusing to recognize that these same women are capable of making their own reproductive healthcare decisions. We are once again fighting back against legislation meant to bar access to reproductive healthcare in the form of HB519 – the "Mississippi Unborn Child Protection from Dismemberment Abortion Act" – designed to criminalize and, therefore, deter doctors from providing services.

Charles Dickens' novel is cast in a period of time which led up to the French Revolution. The people portrayed in the story were impoverished and uncared for. Their concerns and issues impacting their lives and the lives of their families were not the concerns of the nobility as legislative forums passed laws in favor of aristocracy. There was civil unrest and a demand for change. Like the people in the novel, which was telling of the times in Britain as well as France, today in Mississippi and in the United States, "we ha[ve] everything before us, we ha[ve] nothing before us". The decision of which path we take is ours.

As the Executive Director of the ACLU of Mississippi, I am proud to lead an organization that continues to stand for equality and serve as the advanced guard against tyrannical "foolishness". Nothing before us will deter us from the belief that we are all created equal and, therefore, should be treated equitably.

We are able to continue in this fight only because of you, our members and supporters. I thank you for all you have done and ask that you continue to stand with us as vanguards against this "season of darkness". The ACLU of Mississippi is determined that our state will not be fraught with a tragic end and that our legacy will be a better Mississippi.

Sincerely,  
Jennifer Riley-Collins

## Upcoming Meetings of the Board of Directors:

**June 5, 2016, September 17, 2016\***

*\*Annual Meeting of the Membership, Annual Meeting of the Board, ACLU Jazz Brunch 2016*

# Social Justice Challenged This Legislative Session

BY ERIK R. FLEMING, DIRECTOR OF ADVOCACY AND POLICY

The 2016 Mississippi Legislative Session has been a challenging one for social justice and transparency. Our efforts to pass legislation addressing reform needed in our beloved state that would lay a stronger foundation for the next 200 years were soundly defeated. However, the ACLU of Mississippi believes our lobbying efforts have made an impact that we hope will lead to success in future sessions.

Supportive legislative sponsors introduced a total of 12 bills concerning our legislative agenda, including The Mississippi Civil Rights Act - HB 624 and SB 2738; Written Consent to Search - HB 589 and SB 2656; Body Cameras Policy for Law Enforcement - HB 669 and SB 2490; Ending Debtor's Prisons - HB 1314 and SB 2620; School Resource Officers Training - HB 1001, HB 1061, SB 2337 and SB 2383. The ACLU of Mississippi appreciates the courageous leadership of those lawmakers for their cooperation in standing up for equity and inclusion.

The ACLU of Mississippi has remained vigilant during this legislative session to defend the U.S. Constitution, ensuring there is a clear balance between individual liberties and the general welfare.

Below is a breakdown of some key bills we actively supported or opposed.

## **GUARANTEE SAFE AND SUPPORTIVE SCHOOLS**

We proposed HB 972, which would have set a reform policy for restraint and seclusion of our children in public schools, met its demise this session, but opened the door for more constructive administrative action with the Mississippi Department of Education.

## **PROMOTE COMMUNITY POLICING, TRANSPARENCY AND ACCOUNTABILITY**

Supported SB 2477 - This bill would create



The ACLU of Mississippi had the pleasure in hosting both the Conservative Caucus and the Democratic Caucus of the Mississippi State Legislature this session. During both meetings, Director of Advocacy and Policy Erik Fleming presented the ACLU of Mississippi 2016 Legislative Agenda and answered questions concerning our proposed legislation.



a task force to address the transparency and possible reform of Mississippi's Civil Asset Forfeiture program. Written consent and forfeiture both complement our overarching advocacy for privacy rights, which we can use to defeat bad drone policies.

Opposed SB 2237 - This legislation seeks to provide immunity for, and protect the identity of, those who supply drugs to be administered in an execution and those individuals assigned to an execution team. Those who violate this law will face criminal and civil penalties.

## **PROTECT VOTING RIGHTS**

The ACLU of Mississippi is pleased that recommendations from a previous election task force our organization participated in are making its way towards the governor's desk. House Bill 796 allows early voting for Mississippians, and HB 809 creates an online voter registration system.

Opposed HB 868 - This legislation changes the makeup of Mississippi's 1st Supreme Court District by adding another majority white county into the district. This will dilute the Black Voting Age Population in the district, thus making it harder for Blacks to have representation on the Supreme Court, the Transportation Commission, and the Public Service Commission.

## **EQUAL TREATMENT OF ALL PEOPLE**

Opposed HB 1523 - This bill opens the

door to discrimination of the LGBT community and is a negative response to the U.S. Supreme Court's Obergefell decision declaring same-sex marriages constitutional. It allows denial of goods and services, public and private, to certain members of society in the name of exercising religious freedom. This legislation would have a devastating effect on our state's reputation and economy, as history has previously indicated in other states.

Opposed SB 2306 - This legislation prohibits municipalities in Mississippi from designating themselves as sanctuary cities for undocumented immigrants, thus compelling them, through an unfunded mandate, to detain persons on behalf of the U.S. Immigration and Customs Enforcement Service.

## **PROTECT WOMEN'S RIGHTS**

Opposed SB 2238 - Originally designed to keep the Mississippi Department of Medicaid from paying for abortions, this bill was amended to prohibit the reimbursement of family planning services to Planned Parenthood. This only cost the state \$800 per year.

Opposed HB 519 - This legislation is designed to criminalize doctors who perform an abortion.

*For continued legislative updates, visit us online at [aclu-ms.org](http://aclu-ms.org), on Facebook at [ACLU of Mississippi](https://www.facebook.com/ACLUofMississippi), and on Twitter @[aclu\\_ms](https://twitter.com/aclu_ms).*

The ACLU of Mississippi, Inc. is holding legislators accountable and encouraging them to push for progress with our 2015 Legislative Score Card and 2016 Equity Agenda. These tools serve those inside and outside our state's Capitol to ensure we defeat prejudice and support equality. Find them at [aclu-ms.org](http://aclu-ms.org).



# Criminal Justice Reform Update

BY BLAKE FELDMAN, ADVOCACY COORDINATOR

## TRANSPARENCY AND ACCOUNTABILITY... EXCEPT FOR EXECUTIONS?

When it comes to the expenditure of taxpayer funds for government projects and contracts, there is no accountability without transparency. The fundamental necessity of transparency is even more important when the subject matter is the planned execution of a U.S. citizen. Therefore, the ACLU of Mississippi is zealously opposing the lethal injection secrecy bill, SB 2237, which has passed the Senate and at the time of this writing is now in the House. As originally introduced, SB 2237 would have prevented the condemned and his counsel from accessing this information, in clear violation of Due Process under the Fourth Amendment.

If Mississippi continues to sentence and execute death row prisoners, the process must remain transparent and the government accountable to the people of this state in whose name it is carrying out this ultimate and irreversible punishment. The state should not be allowed to hide behind a curtain of secrecy when carrying out executions, preventing the general public and the press from obtaining basic details about the execution process.

This bill is part of Attorney General Hood's legislative agenda because he claims members of the "execution team" receive threats. The Senate blindly accepted those allegations without any substantiation. No one is free from criticism, and that includes governmental agencies and officials, especially when they are procuring and injecting fatally toxic cocktails into a citizen's veins.

If someone threatens Mississippi pharmacies or Parchman staff, they should be prosecuted, but imposing prior restraint to free speech here is an unacceptable government overreach.

## GUARDIANS, WARRIORS, OR FOR-PROFIT AGENCIES?

Police brutality was thrust into the forefront of mainstream media attention with the 2014 killings of Tamir Rice and



Eric Gardner constantly shown on social media. The crisis of police-community relations remains unresolved, and the Mississippi State Legislature has once again dismissed the issue. The ACLU of Mississippi pushed for legislation that would ensure police body-worn cameras actually provide the accountability and transparency departments claim they will provide. Unfortunately, there is no evidence that law enforcement agencies are using the technology in a manner that actually restores community trust.

Use of force is not the only causal factor of the gulf of mistrust when it comes to law enforcement officers. In too many jurisdictions, sheriffs' offices and police departments are more concerned with generating revenue than protecting and serving. Very much related to the municipal court culture highlighted by our debtors' prison litigation, law enforcement officers have perverse incentives to aggressively police minor offences. Moreover, civil asset forfeiture laws have encouraged for-profit policing.

Often times, when an agency boasts of a large seizure, we learn that money or property was discovered and seized during a "consensual search." Many people are unaware of their right to refuse consent, terminate the encounter and continue about their lives. We will continue to push for legislation that requires officers to acquire written consent after clearly communicating a person's right to refuse. In addition, we are also preparing to advocate for reforms to civil asset forfeiture laws that currently allow departments to profit from seizure without even convicting the owner of a crime. Taxpayers have trusted government officials with immense authority and

power to keep us safe, not patrol the streets with the goal of making money.

## SENTENCING REFORM MUST BE ACCOMPANIED WITH REENTRY REFORM

Mass incarceration won't be solved by simply lessening the term of incarceration for nonviolent crimes. An indispensable component of comprehensive criminal justice reform is making sure our jails and prisons don't have revolving doors. There are innumerable collateral consequences of criminal justice involvement, and recidivism will remain a problem as long as formerly incarcerated people face impossible hurdles to successful reentry.

The ACLU of Mississippi is thrilled to share with you some good news. Since our last newsletter, a memorandum of understanding (MOU) has been executed between the Social Security Administration and the Department of Corrections (MDOC), providing that SSI eligible inmates will be able to qualify for benefits prerelease. Supplemental Security Income (SSI) eligibility would also lead to Medicaid eligibility. By providing SSI funding and Medicaid coverage to formerly incarcerated people with mental health issues, they will have resources to access mental health treatment and get their medications. The Social Security Administration has informed the Reentry Council (established by HB 602 in 2015) that it is training MDOC personnel for full implementation of this MOU. The ACLU of Mississippi introduced and tirelessly advocated for this reform.

There are provisions of HB 585 that require MDOC to provide parole eligible inmates with case plans, and the department's failure to comply hinders effective reentry. An MOU is not as legally enforceable as a statute, so the ACLU of Mississippi will closely monitor the implementation of prerelease SSI and Medicaid enrollment.

*We are also preparing to launch a local campaign to ban the box in the Mississippi Delta. Expect an update on this important project in our Summer Newsletter!*

# Mississippi Will Thrive When Hospitality Becomes Real

BY TODD ALLEN, ADVOCACY COORDINATOR

It is fairly common to hear a business person say “the only color that I see is green.”

Perhaps, in a perfect world, we would all be colorblind when we do business. But far too often, bias affects business deals and personal prejudice influences important decisions. Skin color and gender affect transactions every day. Racism, sexism, homophobia and xenophobia often determine who is trusted or who is not trusted. Prejudices affect which person is considered suspicious on the street. It is racial prejudice that keeps prisons disproportionately populated with people of color.

There is a direct correlation between the amount of racism and bigotry that is tolerated in Mississippi and the state’s inability to make significant economic progress. All of us suffer when private prejudice corrupts public policy. Intolerance, even in the name of religion, is hatred and should never be disguised as moral and never written into law.

When it comes to equality, most corporations that operate in Mississippi show greater hospitality through diversity policies for their employees than our leaders are willing to put into state law. These corporations have learned that when discrimination decreases, people and businesses thrive. The Mississippi economy will grow exponentially as we show greater hospitality toward each other.

So, how do we measure hospitality?



The ACLU of Mississippi held its Legislative Advocacy Day at the State Capitol on February 23, 2016 with a press conference to announce this year’s legislative priorities, which focused on criminal justice reform and equality for all Mississippians. In support of the Mississippi Civil Rights Act, we launched our “We are All Mississippi” campaign with a special video that showcases the importance of having statewide protections for all. Our Legislative Advocacy Day provided the opportunity to publicly connect with legislators and the community at-large on our major issues. See the video and join the We Are All Mississippi movement at [aclu-ms.org](http://aclu-ms.org).



Economists use hard numbers to look at economic indicators to give an overall view of how we are doing and where we need to improve. One way to determine Mississippi’s hospitality is measure the number of incidents of inhospitable behavior. With no statewide civil rights protections, we have little way to monitor or to measure whether or not we are actually hitting the hospitality indicator.

Supported by the “We are ALL Mississippi” campaign, the Mississippi Civil Rights Act removes the barriers that many marginalized communities continue to face. The law would provide a tangible way to measure the reduction in discriminatory behaviors. The state legislature may have missed the opportunity to implement civil rights protections for Mississippians this time around, but we know that the fight is far from over.

While no legislation will eliminate hatred from people’s hearts, our laws and policies are intended to hold us all to the highest standards of hospitable behavior. If our leaders’ are committed to doing justice, they will not write laws that consider some people better than others.

Until non-discrimination policies are made law and until these laws are followed, the system will continue to favor one skin color and one gender over others. The time is now to elevate Mississippi from its dark past and from last place.

The ACLU of Mississippi will continue its statewide movement to manifest a culture shift that dismantles barriers and promotes equity for ALL Mississippians.

*Learn more and share your story at [aclu-ms.org/weareallms](http://aclu-ms.org/weareallms).*

## LEGAL UPDATE FROM PAGE 1

My stepson was there, and it felt embarrassing. I felt ashamed because I was always preaching to him about staying out of trouble and here is this police officer who knocks on my door, handcuffs me, and arrests me.

When he put handcuffs on me, it really hurt. My health was really bad. Just a few years before, I had multiple heart attacks and a stroke in just a couple of months.

When Biloxi police arrested me for fines

and fees, I wasn’t well. After the heart attacks and stroke, I became physically disabled. I can’t work because my mobility and strength are not what they used to be. Before, I was working at Best Western doing maintenance and mechanic work. Now I’m just living one day at a time.

I get my Social Security check and pay my bills, and what I have left of that I try to buy gas. It’s hard making ends meet.

When the police took me to jail, they said

I could pay \$220 in cash for my release. I felt bad because I didn’t have anyone to call who could lend or give me the money. I had just gotten off walking on my crutch, and I really wasn’t functioning right. The food was disgusting. There was a blanket with holes in. They kept me in jail for seven nights.

Do I want to help other people by suing Biloxi? Heck yeah. It’s terrible here. I’m not afraid to go public with how the city is trying to get money from people who just don’t have it.

# Keeping Our Students Safe Remains Top Priority

BY L. RENE HARDWICK, ADVOCACY COORDINATOR

Increased incidents across the state surrounding the use of aversive practices in school continues to be a priority for the ACLU of Mississippi. Our objectives to restrict and reduce the use of restraint and seclusion in Mississippi schools continues, but our deliberate efforts to ensure that schools are safe places have been met with much resistance by the state department of education and others.

The ACLU of Mississippi stands firm in its opinion that proposed draft Policy 4013-Restraint and Seclusion is not as comprehensive as necessary. Recommended expansions include stressing prevention at the foundation of the document, data collection/public reporting, trained personnel, uniform definitions, the exclusion of references to the Individualized Education Plan (IEP), and the inclusion of best practices and evidenced research based practices.

To that end, the ACLU of Mississippi



hosted “Keeping Our Students Safe: Addressing School Discipline” town hall meeting on December 17, 2015 in the Mississippi Public Broadcasting Auditorium. The meeting served as an opportunity to learn about the importance of School Resource

Officers training and the need for policy around the use of restraint and seclusion in schools and learning environments. Community stakeholders heard from a panel of professionals on best practices for addressing school discipline. Discourse around this issue and solutions for keeping our students safe proved to be informative and solution-oriented.

The legislative landscape has also presented its own set of challenges. Representative Steve Hopkins introduced HB 972 - Mississippi Student Safety Act - to the House Education Committee. However, it failed, yet again, to make it out of committee. Senator Gray Tollison attempted the same in 2014 by introducing SB 2594. These



Director of Programs Nita Rudy for Parents for Public Schools served as moderator for the “Keeping Our Students Safe: Addressing School Discipline” panel consisting of Jed Oppenheim, JPS School Board Member; Principal Willie Killins, Wingfield High School; Selena Merrell, State Coordinator with REACH MS; and Gerald Jones, JPS Campus Enforcement Director.

proposed bills would have reduced and restricted the use of restraint and seclusion in schools and learning environments. Mississippi remains one of only five states without a law or policy regulating the use of restraint and seclusion.

We will continue to seek the adoption of protections within the proposed MDE draft Policy 4013.

## Making Progress in Sunflower County for Young Men and Boys of Color with California Model, Website

BY AISHA CARSON, ADVOCACY COORDINATOR

The ACLU of Mississippi embarked on a systems change project last year to create positive pathways for young men and boys of color (YMBOC) in Sunflower County. The school district there has been plagued with too many cases of black male students being pushed out of the classroom and into the juvenile justice system. With its Sunflower County Systems Change Project (SCSCP), the ACLU of Mississippi is working to change the narrative for black male students to improve their outcomes.

The SCSCP team traveled to Oakland, California for a first-hand look at a unique model for YMBOC. The African American Achievement Model (AAMA) applies a culturally competent style of learning that increases positive outcomes and seeks to dismantle the school to prison pipeline for boys in that district. By collaborating with the community and the school district, AAMA creates a space for YMBOC to be supported and encouraged to reach their full potential.



SCSCP Team stand here with an AAMA facilitator in Oakland, CA. Pictured left to right are: ACLU Advocacy Coordinator Aisha Carson, Mississippi Center for Justice Advocacy Coordinator Jacorius Liner, SCCSD Asst. Supt. Miskia Davis, AAMA Facilitator, SCCSD Supt. Debra Dace, and Attorney Kimberly Merchant also with Mississippi Center for Justice.

“What I witnessed at the AAMA project far exceeded [my] expectations,” said Mrs. Miskia Davis, assistant superintendent for the Sunflower County Consolidated School District. “The focus was not on modifying the external appearances of the young men, but more so on cultivating and encouraging

the spirits of these young brothers.”

Experiences like this introduces school district leadership to national models of engagement that work. As the SCSCP continues, AAMA will help to provide a roadmap for helping to impact positive change and implement policy recommendations.

This work is important to the ACLU of Mississippi because it furthers our aim to impact criminal justice reform. Discipline policies, negative perceptions fueled by false narratives, and missed opportunities for community engagement all contribute to the perpetuation of criminalizing YMBOC, which feeds into the school to prison pipeline. By engaging these systems to impact policy changes, not only do we dismantle the school to prison pipeline in Sunflower County, but we also support the entire community in a way that encourages students to be better educated and productive citizens.

Learn more at [www.sunflowercountysystemschange.com](http://www.sunflowercountysystemschange.com).



# Board Member Spotlight

## Meet the ACLU of Mississippi Board of Directors President

Cassandra Overton-Welchlin is an advocate, organizer and agent of change whose work spans more than two decades influencing public



policies impacting women of color, low income families and communities of color. Currently, she serves as the co-founder and director of the MS Women's Economic Security Initiative (MWESI), a project of MS Low Income Child Care Initiative. As director of MWESI, she works to

develop and push a policy agenda to create better opportunities and outcomes leading toward economic security for low-income women and their families.

An experienced policy advocate, Cassandra has led and been a partner on a number of local, statewide, and national initiatives to advance racially equitable policies for low-income women and their families and communities of color. Using her skills as an organizer, she has served as a strong voice for justice. She has also equipped many economically disadvantaged people with tools allowing them to use their power at the policy making table and at the ballot box.

"Mississippians depend on the ACLU to protect their freedoms. I'm honored to

be part of carrying out this important and necessary duty," Welchlin said. "The current program of work is leading the way to ensure that everyday people can live a life free from fear and oppression and deliver the promise that our Declaration of Independence grants us all – to live in the pursuit of happiness."

Cassandra is a wife and mother of three children. She holds an undergraduate degree from Jackson State University and is a licensed social worker. In 2005, she received a Master's from Brandies University at the Heller School for Social Policy and Management.

She is a Fellow of both the W.K. Kellogg Foundation and Ms. Foundation Public Voices.

## Welcome Zakiya Summers

Zakiya joined the ACLU of Mississippi as the **Director of Communications** in September 2015. Prior to joining the ACLU of Mississippi, she served as Events and Communications Director for One Voice, a policy advocacy organization that works for the benefit of marginalized populations in partnership with the Mississippi NAACP. Zakiya also represented Mississippi's back yard jewel – the Jackson Medical Mall Thad Cochran Center – as Public Relations Manager and Internal Relations Coordinator after working as the morning news producer at the NBC affiliate, WLBT-TV 3.



In March 2015, the Board of Supervisors appointed Zakiya to Hinds County District 3 Election Commissioner, where she served a brief stint before an unsuccessful run at the unexpired term.

She is a board member for the Mississippi Sickle Cell Foundation, secretary for the Jayne Avenue Neighborhood Association, and member of Zeta Phi Beta Sorority, Inc., Women for Progress, NAACP, and Jackson Association of Black Journalists.

Zakiya is a Broadcast Journalism graduate of the University of Missouri-Columbia.

## Intern Spotlight

### Jauan Knight

#### Legislative Intern

#### Jackson State University

Jauan Knight has been keeping an eye on the State Senate, tracking bills under the leadership of Director of Advocacy and Policy Erik Fleming.

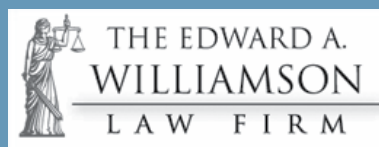
Jauan is a sophomore, majoring in political science with a concentration in legal studies. He serves as president of the JSU Blue Ambassadors, Vice President of the newly chartered JSU Chapter of Phi Alpha Delta Law



Fraternity, parliamentarian for the JSU Political Science Club, Parliamentarian of the JSU Chapter of Young Democrats of America, and member of the Political Science Research Lab and The Fannie Lou Hamer Pre-Law Society. On top of maintaining his school life, Jauan is highly involved in his church, proudly serving in various capacities whenever needed.

Upon graduating from Jackson State in 2017, Jauan plans to obtain his Juris Doctorate at Mississippi College School of Law. As an attorney, he says he wants to focus his practice on litigating on behalf of those who have been in some way disenfranchised or denied their civil liberties. Ultimately, his goal is to serve as a judge, and later appellate or supreme court justice.

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# HB 1523, The Civil Rights Act of 1964, & Mississippi's Next Move

BY PALOMA WU, LEGAL DIRECTOR

It can be ahistorical, anti-intellectual, inaccurate, or simply insensitive to compare the struggle for racial equality with the struggle for LGBTQ equality or gender equality. Critical factual differences make the movements more different than meaningfully analogous in many ways. But in one way at least, a comparison is useful: the constitutional law applied is the same.

On street corners and in federal court, the arguments for and against racial integration and LGBTQ non-discrimination have been indistinguishable. The debates are around principles enshrined in the Fourteenth Amendment Equal Protection Clause, the Fourteenth Amendment Due Process Clause, the First Amendment Free Exercise of Religion Clause, the First Amendment Establishment Clause, and the clauses in the constitution that give governments different types of authority to act (federal v. state and local).

House Bill 1523 – the “Protecting Freedom of Conscience from Government Discrimination Act” – fits into these arguments in an interesting way.

The “public accommodations” integrated by the Civil Rights Act of 1964 include most private businesses permitted to serve the public, including restaurants, hotels, retail stores, and entertainment venues. Those now racially-integrated places are, a half century later, again the location of a blistering public debate—most recently around HB 1523. One central



Attorney Oliver Diaz, ACLU-MS Executive Director Jennifer Riley-Collins, Stephen Thomas and Nykolas Alford (pictured l-r) exiting the U.S. Federal Courthouse after filing suit against HB 1523.

point of debate: whether a business owner is entitled to serve the public in one particular way, which may reflect a deep moral or religious belief, or whether serving the public is a privilege that requires a practice of non-discrimination on the basis of innate characteristics.

The requirement of non-discrimination in public accommodations is not altogether different from the requirements instituted

by an army of hundreds of regulations of general applicability to which businesses are already subject. These rules enshrine affirmative obligations to benefit the health, safety, and welfare of the general public. However, when it comes to something as simple as

a non-discrimination requirement, some people balk.

“Most people are going to say the heart of the matter was the rights of black people. The real heart of the matter was, now wait a minute, the federal government can’t come in and tell us what to do.

We’re a local business.” That is how Ollie McClung, owner of a racially-segregated, family-owned barbecue restaurant in Alabama, explained why he famously sued the United States in a failed attempt to strike down The Civil Rights Act of 1964. He argued it was an unconstitutional overreach of federal government power.

In Bob Jones University, the U.S. Supreme Court heard the school’s claim that its sincere religious belief in racial segregation required, pursuant to the Free Exercise Clause, the IRS to grant it a tax break reserved for educational institutions. The IRS argued that no institution that enforced racial segregation could by definition be an educational institution. The Court agreed with the IRS. And so do we. Public accommodations that have ceased to serve the public at-large in favor of discriminating should likewise cease to reap the many benefits granted to such institutions; if not, they should be subject to suit.

The fight against HB 1523 is a fight for the Constitution of the United States of America, which we will continue to wage through our lawsuit, *Alford v. Moulder*. The next challenge we are taking on is a fight for the future: to pass a legal framework whereby Mississippians set forth reasonable rules for non-discrimination in public accommodations in service and employment.

We cannot simply react to bigotry by suing to stop unconstitutional legislation. We need to make laws that protect all Mississippians within a just, reasonable, predictable, and forward-looking framework. That is why we are leading the fight for the passage of The Mississippi Civil Rights Act of 2017. We hope you are with us.

**“We need to make laws that protect all Mississippians within a just, reasonable, predictable, and forward-looking framework.”**



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## A LETTER FROM THE EXECUTIVE DIRECTOR

### Proof is in the Pudding

Robert Greene's 9th Law of Power states, "Win Through Your Actions – Not Argument". The ACLU of Mississippi has done just that this quarter. We took necessary actions to protect the rights of Mississippians.

The dynamics that are at play in Mississippi today evidence the reality that having respectful dialogue and meaningful debate about critical issues impacting our state require more. Understanding this actuality, the ACLU of Mississippi took action.

We filed suit when the state's leadership refused to hear from its people and insisted on the passage of a law inviting discrimination. We are fortunate that Former Justice Oliver Diaz joined us, and declared that we will not stand by and watch a separate and unequal Mississippi. Even before litigation became necessary, our legislative action pushed forward proposals that would ensure all Mississippians are protected.

We have been relentless in our efforts to protect school children against the utilization of restraint and seclusion. As a direct result of our efforts, the state Department of Education developed a state policy with community input. Because of our action, Mississippi is no longer counted among the handful of states that has no law, regulation or policy guiding public schools to focus on prevention rather than harm. We persist in this effort as we know that children of color and children with disabilities are more likely to be impact. We will always take action to protect the most vulnerable. In doing so, we continue to advocate alongside community partners for systems change in the Mississippi Delta.

Because we recognize that the issues impacting Mississippi are as diverse as the people and the places, we refused to be stagnant. We set up a series of Town Talks and engaged community where community lives. What we are hearing directs our work.

Together, you and I are the ACLU of Mississippi. We know this because we see that our action is your call to action, and your action is our call to action. Please continue to stand with us as we leverage power by winning through actions that impact change and make Mississippi better.

Sincerely,

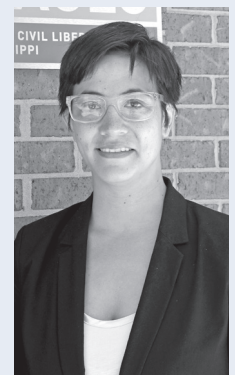
Jennifer Riley-Collins



## Welcome New Legal Director

Paloma Wu, Esq. joined the ACLU of Mississippi as the Legal Director in June 2016, after working as an attorney and Policy Associate at the ACLU of Pennsylvania. She has represented clients in civil liberties and civil rights matters involving free speech, criminal defendants' due process rights, racial discrimination in police hiring, the cruel and unusual punishment

of prisoners, and discrimination against persons with disabilities. She currently represents plaintiffs challenging statewide anti-LGBT legislation, racial bias in law enforcement, and a plaintiff class of defendants being denied appropriate treatment and housing in jail while mentally incompetent to stand trial (J.H. v. Dallas).



# Mississippi Establishes Restraint & Seclusion Policy

BY L. RENE' HARDWICK, PH.D., ADVOCACY COORDINATOR

Mississippi is no longer one of five states lacking a policy regulating the use of restraint and seclusion in schools and learning environments.

This spring, the ACLU of Mississippi was successful in reigniting stalled efforts to push for guidelines on the minimum standards for restraint and seclusion in public schools. As a result, the Mississippi Department of Education established policy 4013 as Rule 38.13 Restraint and Seclusion. This is in large part due to our advocacy and collaborative efforts with a number of organizations across the state, including the Concerned Citizens Group and others.

The updated policy regulates when and how public school employees can use force to handle student behavioral issues. It

emphasizes prevention as the foundational framework by incorporating the data-driven Positive Behavioral Interventions and Supports approach. In addition, it clarifies training requirements for employees, establishes statewide data collection and public reporting mechanisms, but still allows for the use of seclusion.

While it is not the ideal policy in regards to ensuring the safety, respect, and dignity of all children and school personnel, it is a step in the right direction. The progress that has been made is a direct result of the effective leadership of state Superintendent Dr. Carey Wright and likeminded individuals working together for a common goal and purpose.

Moving forward, we maintain our defense

position. The ACLU of Mississippi will continue to be watchful in ensuring the effective implementation of Rule 38.13. As we look ahead to the 2017 legislative session, we will work towards establishing mandates to ensure further regulations and protections against the disproportionate use of restraint and the prohibition of seclusion to keep all children safe.

It has always been the goal of the ACLU of MS to ensure the safety and the rights of all students and school personnel when seeking to manage even the most challenging and disturbing behaviors in schools and learning environments. This is our task and in Mississippi, today, we are a step closer to reducing and restricting the use of restraint and seclusion - a step higher towards positioning all of our children to rise!

## SUNFLOWER COUNTY SYSTEMS CHANGE PROJECT UPDATE

# The R.O.O.T.S. of Sunflower: Story-Telling Plays Key Role in Disrupting the School-To-Prison Pipeline

BY AISHA CARSON, ADVOCACY COORDINATOR

An African Proverb says, "Until the story of the hunt is told by the Lion, the tale of the hunt will always glorify the hunter."

This sentiment was beautifully articulated by Vonkerius Jackson, one of 19 participants in the Sunflower County Systems Change Project (SCSCP) Story for All group, which is leading the Project's narrative change efforts through story-telling and oral history. "The opportunity to tell my story as a young, Black man from Sunflower County is going to impact my life and my community forever."

SCSCP has partnered with Story For All, an Oakland, California-based organization that addresses perceptions of young men and boys of color (YMBOC) by harnessing the power of story to heal. Entitled, "The R.O.O.T.S. of Sunflower: Reclaiming Our Origins Through Stories," this special project allows the young men to create their own stories that will spark narrative change. The results of the project will be on exhibit

at the B.B. King Museum in Indianola, Mississippi with hopes that it will travel throughout the state, and provide a life changing experience for the young men in Sunflower County.



The young men convened this summer to receive a week-long training from Story for All's Angela Zusman and videographer Andre Lamberston. Through lessons learned and their story capturing experiences, they are learning why storytelling is a critical tool in improving

education outcomes, camera and video recording techniques, how to conduct interviews, and more.

In partnership with Mississippi Center for Justice, the Sunflower County Consolidated School District (SCCSD), and its P-16 Council, we have developed the SCSCP Advisory Council with significant community input. Formed in January, the Advisory Council is tasked with building capacity to inform school discipline policy reform decisions and ultimately create positive pathways for YMBOC. A youth court counselor, local newspaper editor, school administrators, and three incredibly bright young men are among those on the council.

The ACLU of MS and our partners are on track to achieve our goal of impacting YMBOC through the SCSCP, and creating a statewide model for school discipline. Stay tuned to [www.sunflowercountysystemschange.org](http://www.sunflowercountysystemschange.org) for continued updates.

# Moving Toward Equality: In the Streets and On the Road

BY TODD ALLEN, *EQUALITY ADVOCACY COORDINATOR*

Just over a year ago on June 26th, the U.S. Supreme Court granted marriage equality to LGBTQ couples in Mississippi and across the nation. In the months that followed, there have been setbacks and advances in the move toward greater equality for all Mississippians.

Soon after the Supreme Court decision and before the regressive decision by our Governor to codify discrimination into state law against the LGBTQ community with HB 1523, the ACLU of Mississippi along with a team of local leaders began meeting regularly to develop strategies for the passage of local and statewide non-discrimination policies. Our efforts crafted “The Mississippi Civil Rights Act,” which we proposed during the 2016 Legislative Session.

Now named We Are All Mississippi (WAAM), this coalition consists of representatives from more than 20 local and grassroots organizations. Working across the board and at all levels of government, the WAAM Coalition advocates for policies to protect all people, including LGBTQ people, from discrimination at work, at school, in housing and in all shared public spaces.

Earlier this year, the Mississippi Legislature and Governor took a step backward with the passage of the anti-LGBTQ law known as HB 1523. Instead of moving civil rights forward by passing the comprehensive civil rights act, these leaders used state power to try to push back the hands of time. This law was not only a distraction from our larger problems, it was also a clear attempt to give state support to those who chose to discriminate against the LGBTQ people.

The WAAM Coalition responded to the clear attempt to put hate in our state by participating in a number of rallies and organizing a series of community conversations in towns and cities across the state.



About 500 people from across the state participated in the first rally on April 4, 2016 at the Governor's mansion, demanding him not to sign HB 1523. Those efforts were not enough as he signed it into law the next day.

It wasn't long before the nation and the world responded with an outcry against the Mississippi Governor, the state legislature, and the blatantly discriminatory HB 1523. Several cities throughout U.S. banned official business travel to Mississippi, and even Great Britain sent out a travel warning.

WAAM took our message of 'equality for all' to the people of Mississippi, hosting a total of seven Town Hall meetings in Biloxi, Hattiesburg, Holly Springs, Tupelo, Meridian, Jackson, and Greenville. During these community conversations, we discussed civil liberties, the impacts of HB 1523, ways to implement non-discrimination policies locally and at the state level, and efforts to take down the state flag. These community conversations were lively and engaging as people shared concerns about persistent racism, sexism, homophobia and transphobia in Mississippi.

A Hattiesburg participant stated that although he was a fiscal conservative, he believed that discriminatory policies were bad for the Mississippi economy. His comments were a clear reminder that civil rights are human

rights and not limited to any particular political affiliation.

In Biloxi, one town hall participant expressed little hope that the current political leaders would ever pass non-discriminatory laws. Another Gulf Coast resident said that the people of Mississippi “got along” much better than she thought they would before she moved to the state.

Although most of the audiences at the town hall meetings closely mirrored the diverse racial demographics of the community, the audience in Tupelo was practically all-white and the audience in Holly Springs and Jackson were practically all-black. Of the 50 people who gathered in Tupelo, only one community member identified as black. One attendee stood up to express her frustration and sadness over the inability of the Tupelo community to address and overcome racial division and inequality.

In Jackson, the town hall focused on race. The event gave people a chance to voice their exasperation at persistent racial discrimination in Jackson and with the regressive race-baiting politics of a “Confederate History Month” and the refusal to remove the confederate battle emblem.

At each town hall, people had the opportunity to sign a petition for a referendum to remove the confederate battle flag from the state flag of Mississippi. Gulf Coast Organizer Lea Campbell, Tougaloo College Professor Dr. Edelia Carthan from Jackson, and actress Aunjanue Ellis from McComb each gave impassioned pleas for removing the Confederate flag from the Mississippi flag.

In the midst of our town hall tour, WAAM crossed two important milestones in the move toward equality. The first was when the city of Jackson passed the non-discrimination ordinance in the state of Mississippi to include protections for all people, including



LGBTQ people. Then on June 26th, the Mayors of three Mississippi cities joined municipalities across the country in recognizing LGBTQ community members by proclaiming and/or acknowledging LGBTQ Equality Day.

While we are excited about the momentum building for equality and inclusion, the ACLU of Mississippi knows there is much work to be done in order to create a better Mississippi. We will continue standing in the gap for all Mississippians.



ACLU-MS Advocacy & Policy Director Erik Fleming sits with Civil Rights Veteran Hollis Watkins, Nation of Islam's Bro. Abram Muhammad, actress Aunjanue Ellis, Civil Rights Activist Cynthia Newhall (picture l-r) at Jackson's Town Hall, hosted by Tougaloo College Professor Dr. Edelia Carthan.

*We want to thank these individuals for their support of our "Community Conversation" Town Hall Tour:*

Ja'Leasa Walden, Steps Coalition; James Crowell, Biloxi NAACP President; Kathy Egland, Gulfport NAACP; Lea Campbell, Mississippi Rising Coalition; Natalie Offiah, Mississippi Safe Schools Coalition; Deborah Delgado, Hattiesburg City Council; Clarence Magee, Forrest County NAACP President; Nathan Martin, The Spectrum Center (Hattiesburg); Dr. David Beckley, Rust College President; Mayor Kelvin Buck, Holly Springs; Rev. Carlton Elton Smith, Holly Springs; Melanie Deas, Link Center (Tupelo) and ACLU of MS board member; Rev. Paul Stephens, All Saints Episcopal Church; Dr. Edelia Carthan; Representative Charles Young; Harry Hawkins, Human Rights Campaign; Pam Junior, Smith Robertson Museum (Jackson); Hollis Watkins; Cynthia Newhall; Aunjanue Ellis; Representative John Hines; Mayor Errick Simmons, Greenville; and Dr. Temika Simmons, ACLU of MS board member.

# Justice For Ricky Ball

BY BLAKE FELDMAN, CRIMINAL JUSTICE ADVOCACY COORDINATOR

Ricky Ball was a 26-year old Black man in Columbus, Mississippi, who was shot and killed from a gunshot wound by city Police Officer Canyon Boykin on October 16, 2015. It is a story that is becoming more frequent in communities across the country and right here at home.

Between June 25, 2015 and June 25, 2016, law enforcement officers in the U.S. killed 1,122 people – 14 of whom were killed in Mississippi. It has been reported that an officer brutalized Mr. Ball's body and took his life on that fateful day in October. Since then, more than 750 people have been killed by police, including ten in Mississippi.

On June 25, 2016, protestors marched the streets from Mt. Zion Church to Sims Scott Park in Columbus, MS to demand Justice for Ricky Ball. The ACLU of Mississippi was on the scene, primarily to educate the community on how to safely invoke their rights during police encounters, but to also explain why excessive use of force – especially lethal use of force – is of serious concern. This is why it is important that we exercise our right to film the police.

Mr. Ball's case is eerily similar to that of Walter Scott in South Carolina. Last April, a police officer was arrested hours after a bystander's video of a deadly police encounter was released. You may remember the video showed the officer shooting a man in the back as he ran, dropping a taser by his body, handcuffing the dying man and failing to provide CPR. All of this conflicts with the officer's version of events – particularly the claim that Walter Scott actually engaged in a physical altercation with the officer and gained possession of the officer's weapon.

Ricky Ball, like Walter Scott, was shot after fleeing a traffic stop, but we have no video in Mr. Ball's case. We do have the officers' version of events, which sound a lot like the version proven to be a lie in North Charleston.

Although the Columbus Police Department had provided officers with body cameras, the officer who shot Ricky Ball did not have his camera turned on.

As body cameras are becoming more commonplace, shortcomings in body camera policies are becoming more apparent. There is nothing as revealing as bystanders exercising their First Amendment right to film the police. From the LAPD's brutal beating of Rodney King to the unjustified murder of Walter Scott, video recordings have been transformative in our struggle for police accountability.

In the wake of police killing someone, we often hear the district attorney, police chief, sheriff, and mayor repeat buzz words such as "transparency" and "justice," but after months of silence we consistently receive news that there will be no public trial. We go through the motions of an "independent investigation" and often times a secret presentment to a grand jury. Yet, even though it is said that a prosecutor could persuade a grand jury to indict a ham sandwich if that's what he wanted, law enforcement officers consistently have their actions deemed justified behind closed doors and beyond public scrutiny. The District Attorney for Lowndes County has received the completed MBI investigation into the Columbus Police Department regarding the Ricky Ball shooting, and he has expressed the possibility of requesting a special prosecutor for the case. With that said, it is unclear exactly who would be appointed and who would decide.

While an independent investigation and prosecution is usually preferable, a policy in which MBI investigates and Attorney General Jim Hood's office prosecutes might be the recipe for accountability. The ACLU of Mississippi will remain on the case to ensure that Justice for Ricky Ball is secured.





# ACTION DOCKET

## 2016 Legislative Roundup

In our Spring 2016 issue, we told you about some key pieces of legislation that promoted social justice and transparency. Here is an update.

### PROMOTE COMMUNITY POLICING, TRANSPARENCY AND ACCOUNTABILITY

**SB 2477** – Created a Civil Asset Forfeiture Task Force – initially died in Committee, but was brought back up in the House and passed as **HB 1410**. This bill was signed by the Governor.

**SB 2237** – the execution secrecy bill, provides immunity for and protects the identities of those who supply drugs for executions and the execution team – signed by the Governor.

### PROTECT VOTING RIGHTS

**HB 809** – aimed at creating an online voter registration system, but was amended to only allow voters to change their information online – signed by the Governor.

**HB 868** – would have changed the makeup of Mississippi's 1st Supreme Court District by adding another majority white county into the district – died in committee.

### EQUAL TREATMENT OF ALL PEOPLE

**HB 1523** – targeted the LGBTQ community and codified discrimination – was signed by the Governor and has had a great impact on the state's reputation and economy. See Highlights from the Courts for an update on this legislation.

**SB 2306** – prohibited municipalities from designating themselves as sanctuary cities – died in committee.

### PROTECT WOMEN'S RIGHTS

**SB 2238** – prohibits reimbursement of family planning services to Planned Parenthood – signed by the Governor.

**HB 519** – the “Mississippi Unborn Child Protection from Dismemberment Abortion Act,” criminalizes doctors who perform an

abortion – signed by the Governor.

The ACLU of Mississippi is preparing for the 2017 Legislative Session, and we will need you – the power of our members – to ensure equity and inclusion, hold our lawmakers accountable, and establish a clear balance between individual liberties and the general welfare.

## Highlights from the Courts

Our judicial system made some key decisions this summer that have major impacts on Mississippi. Here's an update.

### LGBTQ

A federal judge struck down House Bill 1523 hours before it was slated to become law. HB 1523 would have allowed public officials and businesses to refuse to serve LGBTQ individuals. Judge Carlton Reeves ruled HB 1523 unconstitutional in a huge victory for the state of Mississippi and the nation. The two cases that were considered were *Barber v. Bryant* and *Campaign for Southern Equality v. Bryant*, brought by the Campaign for Southern Equality and the Mississippi Center for Justice.

The ACLU and the ACLU of Mississippi challenged the constitutionality of HB1523 in a separate lawsuit, *Alford v. Moulder*. Our suit targeted the Registrar of Vital Records and was filed on behalf of ACLU of Mississippi members Nykolas Alford and Stephen Thomas, a couple who are engaged to be married and face discrimination as a result of this law.

### IMMIGRANTS' RIGHTS

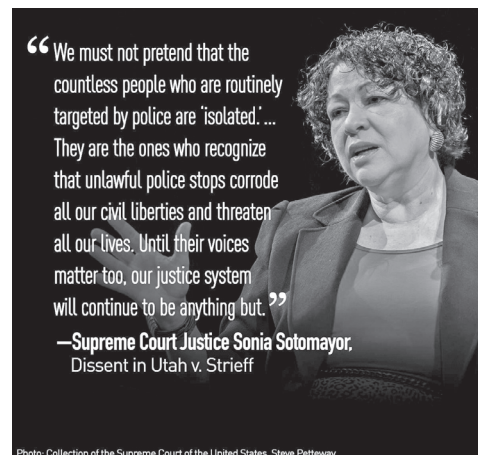
In a 4-4 ruling, the U.S. Supreme Court deadlocked in the case of *United States v. Texas*. It left in place a lower court order preventing the president from shielding millions of people from deportation via the Deferred Action for Parents of Americans program. Many immigrants were hoping the decision would allow them to come out of the shadows and be fuller members of our community. The ACLU of Mississippi will continue to defend the constitutional rights of immigrants, regardless of their status.

### MISSISSIPPI EMPLOYMENT PROTECTION ACT, MISS. CODE § 71-11-3

In May of 2016, twelve men were arrested, jailed, and charged with felonies under a Mississippi Employment Protection Act (MEPA) provision that makes it a felony to work while undocumented. The crime carries a punishment of up to five years in prison and a \$10,000 fine. On June 29, 2016, Nathan H. Elmore of Elmore & Peterson successfully obtained dismissals of all MEPA charges against their clients. The ACLU and ACLU of Mississippi were proud to provide support to argue the unconstitutionality of the MEPA charge. Elmore & Peters reports that their clients are currently out of jail and reunited with their loved ones. The ACLU of Mississippi is committed to ensuring that this MEPA provision—which unconstitutionally criminalizes immigration status—is never enforced again. It is preempted by federal immigration law and therefore violates the Supremacy Clause of the U.S. Constitution.

“We must not pretend that the countless people who are routinely targeted by police are ‘isolated.’... They are the ones who recognize that unlawful police stops corrode all our civil liberties and threaten all our lives. Until their voices matter too, our justice system will continue to be anything but.”

—Supreme Court Justice Sonia Sotomayor, Dissent in *Utah v. Strieff*



### FOURTH AMENDMENT

We were deeply disappointed in the U.S. Supreme Court's 4th Amendment decision in *Utah v. Strieff*, which ruled that in some cases evidence of a crime can be used against a defendant even if police obtained it illegally. Typically, evidence found during illegal searches cannot be used in court under the 4th Amendment's exclusionary rule. The 5-3 decision drew “heated dissents from liberal justices who warned that the outcome would encourage police to violate people's rights,” according to the Associated



Press. In a powerful dissent, Justice Sonia Sotomayor said, "Respectfully, nothing about this case is isolated."

## RACIAL JUSTICE

In a 4-3 decision, the U.S. Supreme Court upheld the race-conscious admissions program at the University of Texas at Austin in *Fisher v. UT*. The ruling means the school will be able to continue using race as one of multiple factors in admissions decisions. This decision reaffirms the value of diversity in higher education and preserves the ability of colleges and universities to further that value through well thought out admissions plans.

## REPRODUCTIVE FREEDOM

The U.S. Supreme Court struck down two Texas laws in a resounding victory for women's health and women's liberty. The 5-3 ruling takes away two abortion restrictions: the mandate that abortion providers have admitting privileges at local hospitals and the requirement that abortion clinics be outfitted as mini-hospitals.

A day later, the Supreme Court announced that it would not review two lower court decisions in Mississippi and Wisconsin to block abortion restrictions similar to Texas. Instead, the court decided to let stand the lower court rulings that preliminarily blocked restrictions that would have required abortion providers to have admitting privileges at a local hospital. This law would have shut down Mississippi's only abortion clinic.

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# Being Poor Is Not A Crime

BY BLAKE FELDMAN, CRIMINAL JUSTICE ADVOCACY COORDINATOR

We were reminded this summer that no city is immune to modern-day debtors' prisons – the arrest and jailing of poor people for failure to pay legal debts they can never hope to afford, through court procedures (or lack thereof) that violate their most basic rights.

In June, the City of Jackson settled a federal lawsuit brought against it for jailing poor people who couldn't afford to pay court fees and fines. That same week, Hinds County entered into an expansive settlement agreement with the U.S. Department of Justice concerning the county jail – including detention for failure to pay fines if the individual is unable to do so. These developments come three months after the ACLU of Mississippi settled a federal lawsuit with the City of Biloxi under the agreed upon condition that the city implement sweeping reforms to protect the rights of people who can't afford to pay fines imposed by the city court.

Those reforms address every issue raised in a letter the U.S. Department of Justice addressed to court administrators and state chief justices in every state concerning constitutional collection of fines and fees. Additionally, they serve as a model for courts across the state of Mississippi to end these practices once and for all.

Local courts throughout the state have increasingly attempted to supplement their budget deficits by aggressively policing minor traffic violations – disproportionately against its poor citizens of color. These courts have



In June, the Mississippi Access to Justice Commission invited the ACLU of Mississippi to present our concerns of violations similar to those in Biloxi, MS.

ordered the arrest and jailing of people who fall behind on their payments, creating a racially-skewed, two-tiered system of justice. Not only are debtors' prisons unfair and insensible, they are also illegal.

The ACLU of Mississippi is urging statewide leaders in the justice system and local officials to pursue equitable and constitutional approaches to fine and fee collection. The Office of the State Public Defender invited the ACLU of MS to participate in a training specifically concerning representation in municipal court concerning fine and fee collection, later this summer. We will also serve on a panel regarding fine and fee collection at the Access to Justice for All Summit in August.

As we advocate for local and state-wide administrative reform, we will simultaneously lay groundwork to pursue legislative reform in the 2017 session.

How much do you know about debtors' prison? Take our quiz at [aclu-ms.org](http://aclu-ms.org).

## Author and Criminal Justice Reform Advocate Headlines Jazz Brunch

BY ZAKIYA SUMMERS, COMMUNICATIONS DIRECTOR

The ACLU of Mississippi is thrilled to announce that Shaka Senghor will serve as this year's Jazz Brunch keynote speaker. He is the leading voice in criminal justice reform, and appeared on Oprah Winfrey's Super Soul Sunday earlier this year. Oprah has referred to her interview with Senghor as "one of the best I've ever had – not just in my career, but in my life... his story touched my life." His story will surely touch the lives of Mississippians at our Jazz Brunch, scheduled for September 17, 2016 at the Hilton Garden Inn, located in downtown Jackson. The event will kick-off with our annual membership meeting at 10 a.m. followed by the program at 11 a.m.

Tickets are available for purchase on-line at [www.aclu-ms.org](http://www.aclu-ms.org), and includes entry into the VIP Reception and Book Signing held on Friday, September 16th at Parlor Market. Book purchase is separate. For sponsorship and ticket information, please visit [aclu-ms.org](http://aclu-ms.org).





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## Let's Keep Our Eyes on the Ball BY JENNIFER RILEY-COLLINS, EXECUTIVE DIRECTOR

On the streets of large cities, you have probably seen a man with a makeshift table inviting passersby to engage in a game involving sleight of hand while he rapidly moves three inverted cups. Contestants wager, believing that their eyes will be able to stay on the cup hiding the ball. Shell games are deceptive and evasive ploys. Tricksters will typically rig the game to move or hide the ball during play and replace it as required. Without a trained eye, you never see that the ball was never on the board.

The Trump Administration and state leaders, especially leaders like Governor Bryant and the Mississippi Legislature are playing shell games. Thankfully, however, the ACLU and the ACLU of Mississippi have trained eyes and are constantly watching the board in defense of freedom.

All eyes, in utter amazement, are laser focused on the egregious actions of the federal government. The Trump Administration has carried out political rhetoric by issuing uninformed and ill-advised executive orders that ban people from entry based on their religion and that compel families to be torn apart during lawless raids under the unsubstantiated guise of national security. His administration has also ordered two for one regulatory reductions and administrative law changes that threaten the constitutionally protected rights of all Americans. We're less than 100 days in.

The ACLU kept its eye on the ball and kept our promise that we would see him in court.

While eyes were focused in disbelief on the Trump Administration's executive orders, sleight of hand was happening in the states. Across the country, divisive blue lives matter bills, unnecessary bathroom safety bills, and bills attacking a woman's right to healthcare were being proposed and passed in state capitols. Here in Mississippi, state leadership pushed bills that, if passed, will

result in violation of established constitutional rights against the use of cruel and inhumane treatment and therefore subject the state to costly litigation. We have seen support of bills that protect police while no protections given to taxpayers who deserve state civil protections. And we have seen Mississippi's own anti-immigration efforts that will likely result in catastrophic economic loss to a state already struggling with its budget.

The ACLU of MS kept its eye on the ball and kept our promise that we would be in the State Capitol.

We have been very present defending against these and other such measures. We have also been there pushing legislation that would secure rights for all Mississippians, require police transparency and accountability, and provide protections for marginalized communities in Mississippi. The ACLU of MS has also been present across the state educating protestors on their rights, and arming protestors with protectors through our legal observer trainings.

The sad reality is Mississippi's leaders do not realize that while they are following partisan politics, there is a shell game being played and they are the pawn.

Politically motivated policies, like anti-sanctuary city legislation, will force Mississippi, down to the local level, to bear the costs of implementation of federal immigration actions which are the responsibility of the Department of Homeland Security. Federal legislation that would eliminate all funds for the Title X family planning program and deny Planned Parenthood any funding will hit the state of Mississippi in unexpected ways. Mississippi leadership's participation in the attack on Planned Parenthood, which is not an abortion provided in Mississippi and which received only about \$500 in Medicaid payments, may have adverse impact on their own children as they may be denied safe



and reliable preventative healthcare, which includes screening for cervical and other cancers and reduce the spread of sexually transmitted infections through testing and treatment. Mississippi is one of the states with the highest rate of cervical cancer incidences. It is estimated that 10,050 Mississippians have HIV and one in eight people are unaware that they are infected.

Who will pay the price for the shell games being played?

The decisions being made have consequences that impact all Mississippians. Shell games are never played for fun. There is always a price.

The ACLU of Mississippi will continue to keep its promise! We will advance justice and equality, through legislation, litigation and advocacy. We do so confidently knowing that so many of you are standing with us. We are so grateful for your outpouring of support and demonstration of confidence. We will not let you down. Together, we will win!

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# 2017 Legislative Update

BY ERIK R. FLEMING, DIRECTOR OF POLICY

This year's legislative session has been yet another challenge to the rights of individuals in Mississippi. No legislation passed this session is as egregious as last year's HB 1523. However, bills have been passed that threaten the civil liberties we fight so hard to maintain.

## THREAT TO CIVIL LIBERTIES & CIVIL RIGHTS

HB 638 changes the lethal injection process into clear cruel and unusual punishment, by allowing sedatives to replace anesthetics in the drug protocol and reinstituting the electric chair and the gas chamber as alternative methods of capital punishment. The ACLU of MS believes that all methods of capital punishment violate the Eighth Amendment. However, if the death penalty is to be allowed, it must be humane or else it is nothing more than state-sanctioned murder. The bill is expected to arrive on the governor's desk.

HB 645 - the "Back the Badge" bills - was approved by the governor. This legislation is designed to enhance penalties on violent acts toward police officers and other first responders and makes any attack eligible as a hate crime. We were able to get an amendment inserted that provides First Amendment protection for citizens who protest against unwarranted police aggression or injustice. Nevertheless, the bottom line is that this bill prioritizes police over people.

SB 2710 outlaws any political subdivision or institution of higher learning from declaring themselves a sanctuary from immigration enforcement. The fact that Mississippi has no sanctuary cities to begin with does not seem to have deterred the backers of this unnecessary legislation. It is designed to allow the unconstitutional act of racial profiling under the guise of assisting the federal government with immigration enforcement. It will be an unfunded mandate on taxpayers, municipalities and counties due to the increased expenses of law enforcement manpower and jail detention, and may set the groundwork for more harmful policy against the most vulnerable in our state.

## PROGRESSIVE LEGISLATION HARD TO PUSH

We aggressively lobbied to enact protective legislation like the Mississippi Civil Rights Act to improve anti-discrimination laws pertaining to housing and state employment, to create a statewide policy on the use of law enforcement body cameras, to create a mechanism for special prosecutors to be called in shooting deaths involving law enforcement officers, to require written consent to search forms and to require racial impact analysis on criminal justice legislation. We also lobbied for SB 2302, which would have ended the practice of employers asking about conviction status in the application process. Unfortunately, state leaders were more focused on political agenda than moving Mississippi even an inch closer to a fair and just society.

However, we did see some progressive legislation make it through the process:

HB 812 mandates that all law enforcement agencies in the state post their asset and forfeiture income online. This legislation was a direct result of our work in creating a task force to review asset and forfeiture actions more transparency. It was signed into law.

HB 1033 ends the unconstitutional practice of debtors' prisons, which is the practice of jailing persons for the inability to pay fines, statewide. This legislation comes on the heels of our successful litigation in Biloxi and our input in changing the rules of criminal procedure. HB 1033 is awaiting the governor's signature.

As this session draws to a close, we will continue to monitor any further legislative actions in the halls of the State Capitol and online at [www.aclu-ms.org](http://www.aclu-ms.org).



# Criminal Justice Update

BY BLAKE FELDMAN,  
ADVOCACY COORDINATOR

## WORKING TO END DEBTORS' PRISON

In March 2016, the ACLU of Mississippi and Biloxi settled federal civil rights litigation and entered into an agreement that has served as a model for other cities. The bench card adopted by Biloxi to ensure the courts respect the rights of poor defendants who owe fines and fees addresses every component of a 'Dear Colleague' letter from the Civil Rights Division of the U.S. Department of Justice and, more recently, a model bench card released by the National Task Force on Fines, Fees and Bail Practices. As we made clear when we filed suit against Biloxi in 2015 and settled the suit in 2016, this isn't a problem unique to Biloxi.

One year after the Biloxi settlement, the ACLU of Mississippi wrote individual letters to the more than 450 municipal and justice court judges in the state, encouraging them to adopt the Biloxi card. We have also supported HB 1033, legislation this session that would codify constitutional court procedures for fine and fee collection.

## ENSURING TRANSPARENCY AND ACCOUNTABILITY IN BODY CAMERA POLICY

For the past three sessions, the state legislature has failed to establish policy parameters for law enforcement use of body-worn cameras. Therefore, the ACLU of Mississippi has filed more than two dozen public records act requests with local law enforcement agencies, and at the time of publication, we have received 23 individual body camera policies. We are currently analyzing each of them and recommending revisions that would ensure body cameras are actually promoting transparency and accountability while also protecting privacy. It is our goal to release a report surveying local body camera policies and identifying common deficiencies. There is real concern that the technology—without carefully balanced policies in place—will be used as another tool for

surveillance and prosecution rather than a tool to foster community trust. We will continue to advocate for state-level legislation, but we will also continue to advocate for responsible policy at the local level.

## PUBLIC INPUT CRUCIAL ON POLICE SURVEILLANCE

While reviewing policies, it has become apparent that cities are considering little to no public input on these policies. It is critical that cities more meaningfully involve the community in the process of developing and adopting a body-worn camera policies. We are encouraging cities and departments to make draft policies publicly available with sufficient opportunity for community groups, public interest organizations, and individual residents to debate or provide feedback on the concrete terms of the draft policies. Such a process should be undertaken whenever a municipality is preparing to deploy any surveillance technology. That is why we are working with Hattiesburg City Councilwoman Deborah Delagado to pass a Community Control Over Police Surveillance (CCOPS) ordinance in Hattiesburg. Councilwoman Delgado announced in September 2016 that she would be introducing legislation in 2017, and we are committed to supporting her efforts.

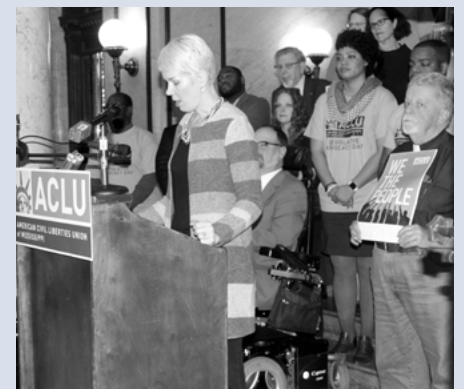
With Donald Trump's election as President, the CCOPS effort has grown more important than ever. Trump says he wants to pursue policies like identifying and deporting millions of undocumented immigrants, tracking Muslims, and even more aggressively policing communities of color, but he is going to need help from local law enforcement. We suspect the new administration's Department of Justice and Department of Homeland Security will offer millions of dollars in surveillance technology grants to local law enforcement. The condition? An agreement to share the collected surveillance data.

The way to stop these deals from occurring is to prevent local police from secretly agreeing to them. CCOPS ordinances will empower city councils to say "no" to surveillance technology deals that would perpetuate mistrust between communities and the police who serve them.

## Are you ready to become a Liberty Lobbyist?

The ACLU of MS kicked off its Liberty Lobbyists program during our 2017 Legislative Advocacy Day. We equipped about 35 Mississippians with the tools and resources they need to become citizen lobbyists so that they can help us push for equity and justice in state law. Board members, coalition partners, volunteers, and ACLU supporters got the opportunity to meet with their legislators and lobby for our legislative package.

Email [efleming@aclu-ms.org](mailto:efleming@aclu-ms.org) to join!



# Realizing My Truth

BY MALAYSIA WALKER, TEAP-MS ADVOCACY COORDINATOR

For the longest time, I lived my life according to how “society” informed me that I should live. These were the darkest moments for me because I was forced to live an imprisoned life. Can you imagine waking daily with a feeling of discomfort, and not knowing why or how to change that emotion?

After years of feeling lost and rejected, I finally sat down, collected my thoughts, and asked myself when was I at my happiest. The answer to that question sparked a fire in me! I realized that I was my happiest when I was Malaysia, a pseudo personality created with the intent to entertain people on stage or off. Malaysia was beautiful, smart, and creative. She was always welcomed wherever life led her, and that is how I wanted to feel every day of my life. I figured out how I could incorporate Malaysia into a daily lifestyle, and slowly, but surely, my life began to evolve in a more positive manner. As each day passed, I grew more confident, more assertive, more at peace than ever before. After 32 years, I realized that Malaysia had always been my truth. I had just been too afraid to show it and society did not make it any easier.



It is such an honor and privilege to finally reach a place in my life where I can encourage others to bask in the glory of their own truth. Through the Transgender Education & Advocacy Program (TEAP-MS), an extension of the We Are All Mississippi campaign, I am in a position to offer those that are living in fear comfort in knowing that their voices will no longer go unheard. TEAP-MS provides the opportunity to tell the transgender and gender non-conforming (GNC) community that there is an organization working diligently to protect you. Awareness and inclusion are our goals.

No one deserves to live a life of fear just because of who they are. Trans and GNC people are no different than anyone else. We eat, breathe, and bleed just the same. We have the same desires as anyone else – an opportunity for acceptance and to live in peace.

## WELCOME MALAYSIA WALKER

Malaysia Walker was born and raised in Jackson, Mississippi. As a transgender woman, she is familiar with the many obstacles and barriers faced by the transgender community. That's why she is excited to lead the Transgender Education & Advocacy Program for the ACLU of Mississippi.

Her passion for civic engagement began at an early age while attending Forest Hill High School. There, she participated in and received accolades for her work with the organization known as Mississippi Youth Legislature. Malaysia's personal contributions to the empowerment of Mississippi's youth has led to many other awards and recognition. She remains vocal about the need for protections around gender identity and sexual orientation.

In her spare time, Malaysia enjoys make-up artistry, designing, sewing, and empowering others to live their truth.



# My First Experience Serving as an ACLU of MS Legal Observer

BY ATTORNEY JULIE E. CHAFFIN, VOLUNTEER

I have never been what most would consider an “activist.” As I have grown older and [hopefully] wiser, Hillel the Elder’s words have begun to resonate more loudly. To paraphrase: If not now, when, and if not you, who?

With the nearly daily affronts to hard earned civil liberties threatened and emboldened by the new Presidential administration, it is time to leave the sidelines and join the resistance. We cannot allow this country to regress and we alone can ensure that it does not.

I am an attorney. The First Amendment is important to me. So, when I saw a Facebook post for an upcoming ACLU of Mississippi (ACLU of MS) training session for neutral Legal Observers, and with the gentle nudge of a friend, I decided to attend. It was time well spent. At the conclusion of the program, I quickly signed up for my first Legal Observer stint at the March on Mississippi. And what a day it was!

The March was attended by thousands, mostly by those in favor of Nissan unionization, but also by those opposed to unionization and by those simply



interested in ensuring that the workers’ right to decide was protected. There was a large law enforcement presence during the speeches and over the course of the nearly two-mile march (the only downside to my service – my leg muscles complained mightily). As ACLU of MS Legal Observers, we were trained to maintain complete neutrality. We were there to be vigilant observers and to document any skirmishes or potential civil rights violations. The ACLU of Mississippi made this a simple task with the MS Justice app for smartphones – you simply click to

video any questionable encounters and when you stop recording, the video is automatically sent to the office.

Thankfully, there were no major incidents and only one brief disruption occurred between a handful of protesters and counter-protestors. I never needed to use my app. But we were ready.

I wholeheartedly encourage you, whether a lawyer or layperson, to become trained as an ACLU of MS Legal Observer. I feel certain that there will be many more marches and protests to come and more Legal Observers will be needed.

## Protecting Speech At The Women’s March

The day following the Presidential Inauguration, women’s marches erupted across the country and around the world in protest. The ACLU of Mississippi participated in the Women’s March on Jackson, a march and rally that saw hundreds of protestors. We protected free speech by providing legal observers.

Women, men, and children from all backgrounds marched together in support of women’s rights and in solidarity with the Women’s March on Washington. The goal of the march was to establish a coalition that will support, protect and advance equality and human rights for all women in Mississippi.

*If you’re interested in becoming a legal observer or in need of our volunteers, please visit [www.aclu-ms.org](http://www.aclu-ms.org).*





# Advocating for a More Just & Equitable Society



## CREATING CHANGE

The ACLU of Mississippi took part in the Creating Change Conference 2017 held in January in Philadelphia, PA. It is a national organizing and skills-building event with a vast selection of workshops and training sessions for the LGBTQ community and its allies that attracts individuals from all over the country. ACLU of MS Staff Attorney Joshua Tom presented a workshop about Mississippi's House Bill 1523, which allowed state-sponsored discrimination against the LGBTQ community and others based on certain religious beliefs. HB 1523 was ruled unconstitutional before going into effect. In addition to explaining the impacts and status of the law, he also discussed how the new Trump administration may affect the LGBTQ community going forward.



## TRUE RELIGIOUS FREEDOM

We are a diverse society, built on the sweat and ingenuity of immigrants and refugees. American Muslims, immigrants, and U.S.-born alike, we are all part of the fabric of this nation. Our diversity is why America is already great. Following Trump's first signing of the executive order, we jumped into action by participating in several candlelight vigils in honor of Muslims, refugees, and immigrants. Our message was and remains clear: We will continue to stand up for true religious freedom and pledge to protect all members of our state from hateful discrimination. Take the pledge at [www.aclu-ms.org](http://www.aclu-ms.org).



## PEOPLE POWER

This month, ACLU National launched People Power, a grassroots initiative to combat the Trump administration's discriminatory policies at the local level. Across the nation, more than 80,000 ACLU supporters gathered for 1,500+ launch parties. As part of this endeavor, the ACLU of MS is asking for your help in making our state safer and more equitable for everyone. Two of our main areas of interest will be lobbying sheriffs to not prioritize ICE cooperation, and passing more local anti-discrimination ordinances. Contact us for more information about People Power. With your help, we can make Mississippi truly live up to its motto as the Hospitality State!

## CIVIL RIGHTS LEGISLATION

Mississippi is one of the few states with no protections for any citizen. For the past two years, the ACLU of Mississippi has been lobbying the Mississippi legislature to pass the Mississippi Civil Rights Act, which would extend protections to Mississippi residents so they cannot be discriminated on the basis of their race, color, religion, national origin, sex, sexual orientation, gender identity, disability or familial status. Once again, Mississippi legislators chose to preserve the status quo of marginalizing those in society who do not conform to their narrow world view. Moving forward, the ACLU of Mississippi will continue to advocate for the Mississippi Civil Rights Act on a state-wide scale. You can help by lobbying your local alderman and mayors to pass non-discrimination ordinances.

Just last month, Magnolia, Mississippi became the second city in the state to pass a local non-discrimination ordinance. The city of Jackson was the first. With your help, we can extend protections to more Mississippians. If you are interested in lobbying your local government for a non-discrimination ordinance, contact the ACLU of Mississippi's Equality Advocacy Coordinator, Katherine Klein, at [KKlein@aclu-ms.org](mailto:KKlein@aclu-ms.org).

R.O.O.T.S.  
OF SUNFLOWER COUNTY



## RECLAIMING OUR ORIGINS THROUGH STORY

The Reclaiming Our Origins Through Story (R.O.O.T.S.) Project is the narrative component of the Sunflower County Systems Change Project (SCSCP). The SCSCP is a community-based systems change approach that addresses school discipline, juvenile justice and media narrative of young men and boys of color (YMBOC). It is a partnership effort between the ACLU of Mississippi, Mississippi Center for Justice, Sunflower County Consolidated School District and its P-16 Council that began in 2015.

The R.O.O.T.S. Project is presenting a traveling museum exhibit at key museums in the Mississippi Delta and in our state capitol. The first exhibit will be at the B.B. King Museum in Indianola, MS March 30 through April 28. The exhibit sheds light on the experiences of young people growing up in the Mississippi Delta. The stories were collected by nineteen African American young men who make up the R.O.O.T.S. team. A full schedule of the museum exhibit is below.

Disrupting the school to prison pipeline takes more than just policy change. Narrative change is key to reducing stereotypes and increasing opportunities for young men and boys of color. R.O.O.T.S. lifts up the authentic and affirmative voices of young men of color. Their stories provide a springboard for impacting change across the state and across the country.

Meet the young men of R.O.O.T.S. and view a short documentary of their journey during a special reception that precedes each exhibition. All events are open to the public. For more information about the SCSCP or R.O.O.T.S. project, visit [www.sunflowercountysystemschange.com](http://www.sunflowercountysystemschange.com).

*See page 7 for the exhibition dates.*

# Intern Spotlight

## CHIP ADKINS

Chip Adkins grew up in Lucedale, MS and majored in public policy with a minor in English at the University of Mississippi. He is a second-year law student at the Mississippi College School of Law. His passion for protecting civil rights brought him to the ACLU of Mississippi as a legal intern.



She attends Mississippi College of Law, with an expected graduation date of May 2018. Jade serves as the Civil Rights Litigation Intern for the ACLU of MS. She has committed her life to promoting justice for all, by advocating for the underprivileged and voiceless. She is a firm believer in the idea illustrated in Martin Luther King Jr.'s quote, "Injustice anywhere is a threat to justice everywhere."



Her mission is to promote the exuberance of the U.S. Constitution and the fundamental values of individual rights and liberties, genuine equality, access to justice, democracy and the rule of law that it seeks to embody.

## LAWRENCE BLACKMON



Lawrence Blackmon is a native of Canton, MS. He completed his undergraduate studies at Howard University with a Bachelors in Human Communications.

Lawrence received his Juris Doctorate in 2015 from The Mississippi College School of Law, and will complete his legal studies in May 2017 with an LLM in litigation & dispute resolution from George Washington University. Lawrence credits his experience as a student at the Piney Woods School, the nation's oldest remaining- historically African American boarding institution, with instilling in him the character & confidence to impact overlooked and underrepresented communities through jurisprudence.



## TAMEKO MICHELLE PURNELL

Tameko Michelle Purnell grew up in the small town of Vaiden, MS, and was named

Valedictorian of her high school class. She completed her undergraduate studies at The University of Mississippi and is now a third-year law student at Mississippi College School of Law. She will complete her Juris Doctorate degree in December 2017. Tameko is a MC Law Dean's Ambassador, a member of the Phi Delta Phi Legal Honor Society and also a member of the Black Law Student Association. After spending years working as a litigation paralegal helping her fellow citizens resolve civil disputes, the harsh political climate and divisiveness that seem to plague our country became the forefront of her fight to truly make equality a reality.

## DARYL L. PORTER JR.

Daryl L. Porter Jr. is a native of Summit, MS, graduating from McComb High School. He received a B.S. in Political Science from the University of Mississippi. During his time there, Daryl engaged in various civic organizations that promoted progression in Mississippi, including racial reconciliation and equal rights. After graduating in 2013, Daryl ran for office in his hometown of Summit and won a seat on the city council where he currently still serves. Daryl is a second-year law student at Mississippi College School of law.



## ERIC TANNER

Eric Tanner is a 2008 International Baccalaureate graduate from Jim Hill High School in Jackson, MS. He earned his Bachelor's degree in Sociology from Morehouse College. He is currently a second-year law student at Mississippi College School of Law. He plans to practice criminal defense and civil rights law.



## JADE OLIVIA SLAUGHTER-MORGAN

Jade Olivia Slaughter-Morgan is a graduate of Ohio State University, where she majored in Women's Studies with a specialization in Gender and Social Justice.

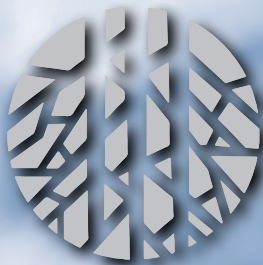
## THE R.O.O.T.S. OF SUNFLOWER COUNTY MUSEUM EXHIBIT SCHEDULE

MUSEUM	LOCATION	EXHIBIT DATES	RECEPTION DATES
B.B. King Museum	Indianola, MS	March 30-April 28, 2017	March 30, 2017 6:00 p.m. - 7:30 p.m.
Smith Robertson Museum	Jackson, MS	May 1-30, 2017	May 4, 2017 6:00 p.m. - 7:30 p.m.
Margaret Walker Center	Jackson, MS	June 1-July 30, 2017	June 2, 2017 Time TBA

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# R.O.O.T.S.

RECLAIMING  
OUR  
ORIGINS  
THROUGH  
STORY

"I've become **more confident**  
in who I am, **aware of my**  
**abilities**, and **certain of my**  
**future** through this program."

- R.O.O.T.S. project participant

*See Museum Exhibit  
Tour Dates On Page 7*



# HB 1523 Challenge Proceeds

BY JOSHUA TOM,  
STAFF ATTORNEY

Mississippi's discriminatory law, HB 1523, sanctions wide-ranging discrimination against many Mississippians including the LGBTQ community, single mothers and their children. The most extreme law of its kind in the country, a federal district court last summer stopped it from going into effect. Governor Phil Bryant appealed that decision, and the Fifth Circuit Court of Appeals on June 22, 2017 reversed the district court, which opened the path for HB 1523 to become effective.

The ACLU of Mississippi filed the first challenge against HB 1523 last year, and a flurry of other challenges followed. Our lawsuit was temporarily stayed while other lawsuits proceeded through the courts. Now that the Fifth Circuit has dismissed those other lawsuits, the ACLU of MS' lawsuit will move



**"While religion is an important and fundamental right, it cannot be invoked to allow state-sponsored discrimination against our brothers and sisters in Mississippi. "**

look forward to helping get rid of this discriminatory law.

HB 1523 discriminates against many people on many fronts. For example, HB 1523 allows a clerk to refuse to provide Nykolas and Stephen with a marriage certificate if that clerk believes same-sex

forward. Our Plaintiffs Nykolas Alford and Stephen Thomas, an engaged, same-sex couple in Meridian,

marriage is against his/her religious beliefs. That clerk can recuse and require someone else to provide Nykolas and Stephen their marriage license. This type of discrimination and unequal treatment is not only cruel, but also violates the U.S. Constitution and has no place in the State of Mississippi. While religion is an important and fundamental right, it cannot be invoked to allow state-sponsored discrimination against our brothers and sisters in Mississippi.

Along with Nykolas and Stephen, the ACLU of MS looks forward to fighting against this harmful law.

## ACLU-MS STAFF

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## A LETTER FROM THE EXECUTIVE DIRECTOR

### Freedom is under attack!

The United States Supreme Court agreed to decide a case about whether a business can refuse to sell commercial goods to a gay couple because of the business owner's religious beliefs. The U.S. Senate wants to make devastating cuts to Medicaid and block access to Planned Parenthood. The Supreme Court has allowed the government to implement the limited version of the Muslim 2.0 travel ban. The U.S. Court of Appeals has reversed the injunction preventing the enactment of Mississippi's HB 1523, the most wide ranging state legislation against same sex-couples, transgender people, single parents, and all unmarried people regardless of sexual orientation or gender identity. There is a very disturbing national trend of law enforcement officers using excessive force against people of color without accountability.

### But the ACLU is still here!

Despite the challenges faced by this country and our state, we remain optimistic. When the ACLU got an order staying deportations of Iraqis with final orders of removal nationwide, we are hopeful. When we file cases that highlight unconstitutional search and seizure practices targeting Black community, we are proud. When we call on elected officials to be held accountable for suggesting that lynching would be an appropriate way to protect monuments to a culture of white supremacy, we are determined.

The ACLU of Mississippi is determined to make Mississippi better. We are committed to protect freedom, ensure justice, and advance equal opportunity for everyone. With your continued help, we will continue to fight for the freedoms that are the foundation of this nation.

Sincerely,  
**Jennifer Riley Collins**



## WELCOME NEW STAFF MEMBERS

### Marquez Sanders

serves as the Communications Strategist for the ACLU of Mississippi. He is a 2011 graduate of Mississippi Valley State University with a bachelor's degree in Mass Communications. Currently, he is a graduate student at Mississippi College pursuing a Master's of Fine Arts degree in Graphic Design with an emphasis in Communications.



**Jade Morgan** recently transitioned from Civil Rights Litigation Intern to Litigation Specialist at the ACLU of Mississippi. She is a third-year

law student at the Mississippi College School of Law. As a member of the legal team, Jade works with attorneys, plaintiffs, and witnesses through matter screening, investigation, legal research, and litigation coordination. She works on civil rights and civil liberties matters involving criminal justice, free speech, and discrimination against persons due to their sexual orientation or disability status. Jade is a graduate of Ohio State University in Columbus, Ohio, where she earned a degree in Women's Studies. She completed independent field research to specialize in Gender and Social Justice Studies.



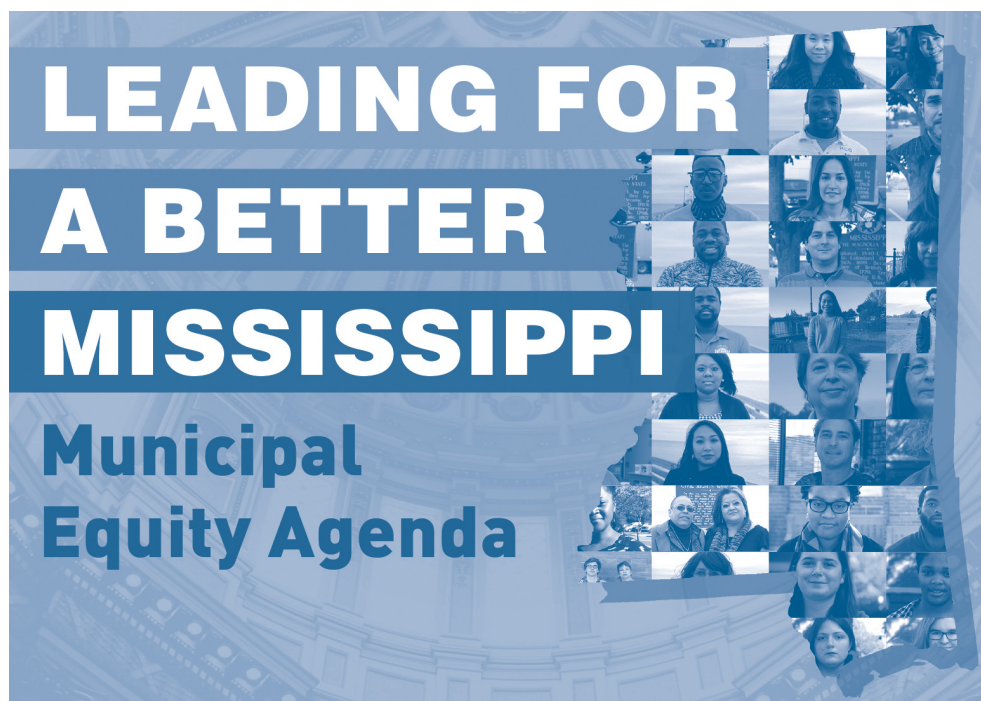


# 2017 Legislative Roundup: New Laws

We began the 2017 session with the roll-out of our annual Equity Agenda, which outlined our legislative requests and our annual Legislative Advocacy Day, which involved approximately 35 participants. Members of our Board of Directors joined alongside volunteers, allies, and affiliate staff to lobby legislators on our behalf. We advocated for seven measures:

- **Mississippi Civil Rights Act:** Prohibiting discrimination of any kind in Mississippi in the areas of housing, public accommodations, education, employment and health care.
- **Special Prosecutors Ensure Transparency & Accountability:** Requiring appointment of independent special prosecutors in officer-involved shooting deaths.
- **Written Consent to Search:** Requiring officers to offer forms to drivers when officers want to search a vehicle without probable cause.
- **Statewide Policy for Body-Worn Cameras for Law Enforcement:** Establishing a uniformed standard for all law enforcement agencies who use body cameras.
- **Racial Impact Analysis:** Establishing a system that assesses the racial and ethnic impact of proposed legislation or ballot initiatives that are criminal justice related.
- **State Protections Against Housing Discrimination:** Strengthening protections for sexual orientation and gender identity discrimination for housing financed through the Mississippi HOME Corporation.
- **All State Employees Need Protection:** Expanding protections against discriminatory practices related to sexual orientation or gender identity for all state government employees.

We tracked 133 bills through the 2017 session. Only three bills that were supportive of equitable and fair treatment actually passed both houses, and only two of them became law. For more information, see our 2017 Legislative Scorecard posted on our website. Here's a look at the new state laws we were tracking:



## PROMOTE COMMUNITY POLICING, TRANSPARENCY AND ACCOUNTABILITY

**HB 645** – known as the Mississippi Blue Lives Matter bill. This unnecessary law makes it a hate crime to kill or assault a law enforcement officer or first responder, on or off duty. We were fortunately able to amend the bill to make sure that protestors' First Amendment rights were protected.

**HB 907** – The proposed version of this bill (HB 509) requires the Department of Public Safety to develop a program on how drivers should respond to law enforcement when stopped. We successfully amended this bill to mandate that any drivers' education programs must inform drivers about their right not to consent to an unwarranted search.

**HB 812** – mandates that law enforcement agencies report annual profits on asset and forfeiture seizures online. This was a recommendation from the Asset Forfeiture Task Force, which we successfully advocated for during the 2016 session in the form of SB 2477.

## OTHER LEGISLATIVE ACTIONS

**HB 638** – changes drug protocol for death penalty executions. This barbaric law will allow sedatives like Midazolam

as the first drug, making our state susceptible to violating the Eighth Amendment of the U.S. Constitution that prohibits cruel and unusual punishment.

**HB 1033** – would have ended the practice of debtors' prison, made it easier for parolees to re-enter society, and created a sentencing task force in an effort to reduce the state's prison population thereby saving the state more than \$20 million in incarceration costs. It had unanimous support in both houses, but was later vetoed by the Governor. We launched an aggressive advocacy campaign to discourage the initial veto and to ask for the bill to be added to the Special Session that was called on June 5th. Despite neither of those actions happening, we were impactful in maintaining bi-partisan support for the bill and gaining assurances that the bill will pass in 2018.

In addition, we are engaging newly elected and returning Mississippi mayors with our Municipal Equity Agenda this summer. It will encourage municipal leaders to pass and implement equitable policies and ordinances concerning our three Centers of Focus: Criminal Justice Reform, Equality for All, and Freedom of Speech and Expression; Privacy and Access.



# 2017-2020 Nominees for Board of Directors

## Dear ACLU of MS Supporter,

The ACLU of Mississippi is holding our annual election for our Board of Directors. The Nominating Committee of the Board of the ACLU of MS presents the following 6 names in nomination as candidates for the ACLU of Mississippi Board and At-Large Foundation Board position required to be filled in the present election.

Additional nominations from among the members of the Affiliate may be made by petition of not less than three members upon delivery of such petition to the Board Secretary, Mary Figueroa, c/o ACLU of MS, P O Box 2242, Jackson, MS 39225-2242 postmarked no later than Aug 4, 2017.

This year we will be voting by electronic ballots. You will need a voter identification code to cast your online ballot. Your code will be provided to you at least 30 days prior to the election. Online votes must be cast by 3 p.m. on Friday, September 23, 2017.

You may also request a paper ballot by calling Cassandra Brown-Evans at 601 354 3408. If you choose to vote via paper by mail it must be received at the post box (P O Box 2242, Jackson, MS of the ACLU of MS) no later than September 23, 2017.

And, as always, you may vote in person at the Annual Meeting to be held at this year at our Blues on the Rez event. The Annual Meeting of the Membership will begin promptly at 5:30 PM. All ballots must be received before the vote count which will begin at 5:30 PM.

*If you have any questions regarding the election of board of directors, please contact us at [office@aclu-ms.org](mailto:office@aclu-ms.org).*



### Melanie Deas

Melanie Deas is a founding board member of Equality Mississippi, a state-wide organization

dedicating to promoting social justice and advancing equality for all LGBTQ individuals. She serves as Executive Director of Link Centre in Tupelo, Mississippi, a multi-tenant nonprofit whose mission includes identifying and attracting partners

to create a community of shared services to transform lives through education, cultural awareness, and health. Melanie joined Link in 2007, from the Office of the Boards of Overseers at Tufts University in Medford, Massachusetts. Over the past twenty-five years, Melanie has worked as an arts manager, writer, translator, and dramaturg both as a freelance consultant and staff member at many New York and New-England-area theater companies. She is former Vice President of Literary Managers and Dramaturgs of the Americas,

an international professional organization and served on the three-person panel judging the annual dramaturgy prize for the Kennedy Center/American College Theatre Festival (Region I). Melanie received her AB in History and Literature from Harvard and her MFA training in Dramaturgy and Dramatic Criticism at the Yale School of Drama.

### Mary L. Figueroa



Mary L. Figueroa, MSW, has served as the Director of Special Projects, Social Worker and Executive Assistant for the community health center, Family Health Center, in Laurel, Mississippi since 1999. She is also the Chief of the Grant Writing Team and works in association with the other 22 community health centers across the State of Mississippi. She works closely with agencies such as HRSA, the State Department of Health, and local government and members of the tribal government. Ms. Figueroa is a native of Dilley, Texas and moved to Mississippi in 1995. She earned an Associate's Degree in 2002 from Jones County Junior College in Ellisville, Mississippi; a double Bachelors Degree in 2005 from the University of Southern Mississippi in Arts and Letters Spanish and Bachelors of Health in Social Work; A Masters Degree in Social Work in 2006; and is currently a Doctorial Candidate (PhD) at Jackson State University in the School of Social Work. Mary serves on the Jones County School District Parent Advisory Committee since 2013.

## Dr. Stephen Silberman

Dr. Stephen Silberman received his dental and public health education at Tufts and Harvard Universities. He was one of the original faculty at UMMC School of Dentistry. He taught dental public health emphasizing the needs and expectations of communities and the dental profession's responsibilities to serve all people. He served as Chair of the Department of Diagnostic Sciences. During his final years at UMMC, he was Executive Director of the Mississippi Area Health Education Center (AHEC) where he was building a health care workforce pipeline to serve the rural and underserved populations of the state. He currently serves as Professor emeritus. A strong supporter of the ACLU of MS, he has served on this affiliate board for over 30 years and has held the positions of president, vice-president, executive committee member and representative to the national board. He was the originating plaintiff in the Sillers Building Cross Case and was 1990 recipient of the ACLU of MS Ernst Borinski Civil Libertarian of the Year Award.



Master's Degree from Brandeis University in the Heller School for Social Policy and Management. For the past 7 years, she has worked with organizations at the local, state, regional and national level to develop strategies and create opportunities that address the social, political, economic and ecological injustices in low wealth communities of color that grow out of racial inequities in public policy. Cassandra has worked to build local leadership and partnerships in order to organize their efforts and support their community's power for the purpose of eradicating racial inequity. Currently she is a policy and advocacy consultant managing the Child Care Matters Campaign for the MS Low Income Child Care Initiative.

## Sam Edward Arnold

Sam Edward Arnold is a teacher, writer and community activist. He graduated from Hampton University in Virginia with a degree in accounting. He has worked as an accountant, financial planner and financial consultant. Mr. Arnold survived Hurricane Katrina and spent two years as a community organizer working for International Relief and Development. Since Hurricane Katrina, he has become interested in community economic development. He works with local non-profit organizations to help them create sustainability. His main focus is teaching how the economic and financial systems work and how to use that information to survive financially.



## Cristen Hemmins

Cristen Hemmins graduated from Vanderbilt University and has a Master's degree in Southern Studies from the University of Mississippi. In 2011, she was a plaintiff on the ACLU lawsuit against the state of Mississippi which sought to keep Personhood off the ballot that year; when that suit failed, she was an unofficial spokesperson against Personhood, speaking out on multiple national and international news sources including two live appearances on The Rachel Maddow Show. In 2015, she ran for State Senate, District 9 against an 18-year incumbent, raising \$100,000 as a first-time candidate and garnered just shy of 40% of the vote. She is a small business owner of Hemmins Hall, Inc. (which sells ads for a few different publications), and is on the board of LOU-Home, a non-profit organization which looks to provide affordable housing to the low-income population of the Lafayette-Oxford-University community. She is happily married to an Englishman whom she met when he came into Square Books where she worked, looking to buy a map of Alabama while riding his bicycle solo across America. They have three kids who dance, play soccer, and love math and science, and they all live in an old farmhouse on the edge of Oxford.

## Cassandra Welchin

Cassandra Welchin is a native Mississippian and change agent for low



wealth communities of color. She graduated from Jackson State University and is a licensed Social Worker. Cassandra received her

**Online votes must be cast by 3PM on Friday, September 23, 2017.**

*Contact [office@aclu-ms.org](mailto:office@aclu-ms.org) for questions.*

# Criminal Justice Reform Update

## BODY CAMERAS ARE NOT MEANT FOR SURVEILLANCE

We are continuing to file records requests with sheriffs' departments and police departments for their body camera policies, and have received 55 thus far. This fall, we will release a report that will not only serve as the first statewide survey of local body camera policies, but it will also highlight common deficiencies in those policies. By analyzing each of these policies and recommending revisions, we aim to ensure body cameras are actually promoting transparency and accountability while also protecting privacy. There is real concern that the technology—without carefully balanced policies in place—will be used as another tool for surveillance and prosecution rather than a tool to foster community trust. We will continue to advocate for responsible policy at the local level as well as through state-level legislation.

## YOU HAVE THE RIGHT TO FILM THE POLICE

We have given countless Know Your Rights trainings to communities across Mississippi, and we always promote our Mobile Justice App and advise people of their right to film the police. Unfortunately, we regularly followed that with the caveat that federal courts have treated the issue differently and the case law is not crystal clear. We are pleased to share that our Know

Your Rights curriculum no longer includes that caveat.

In *Turner v. Driver* this year, the Court of Appeals held that “a First Amendment right to record the police does exist.” Thus, in Texas, Louisiana and Mississippi, people will now be able to access federal courts if law enforcement officers infringe on their right to film the police. Circuit Judge

Weiner noted “Filming the police contributes to the public’s ability to hold the police accountable, ensure that police officers are not abusing their power, and make informed decisions about police policy.” We wholeheartedly agree, and that is why we continue to offer our Mobile Justice App as a free download for iPhones and Androids.



## MOBILE JUSTICE MISSISSIPPI NOW AVAILABLE FOR IPHONE AND ANDROID!

Hold law enforcement accountable and keep your rights in the palm of your hand! Download Mobile Justice Mississippi.  
[www.aclu-ms.org/mobile-justice](http://www.aclu-ms.org/mobile-justice)



IPHONE



ANDROID



# More Than Athletics: Title IX and Sex Discrimination

BY KATHERINE KLEIN, ADVOCACY COORDINATOR



College students celebrate PRIDE month by volunteering their time in the name of freedom.

Earlier this year, the ACLU of Mississippi received a complaint from a mother about the treatment her daughter was receiving at school. Because she is a minor, we will call her “Anne.”

Anne was being harassed, bullied, and physically assaulted at school, and not just by students but by the school administration as well. The impetus for this conduct was the fact that Anne was out as a lesbian and did not dress in ways that would be considered traditionally feminine. The administration’s answer to Anne’s mother’s complaints was to further punish Anne, rather than the people in question. Anne was labeled a trouble-maker and placed in in-school-suspension.

Believing that the school’s response was unacceptable, Anne’s mother reached out to the ACLU of MS. We provided her with information regarding Title IX protections for her daughter, and explained the school’s duty to protect Anne and all students. In addition, we prepared Anne’s mother with talking

points for the school board executive session that addressed Anne’s situation.

Schools have an obligation to make sure students have an opportunity to learn to the best of their ability. The school has a legal duty to intervene when the ability to learn is compromised by harassment and bullying. Anne’s school not only failed to stop the bullying, but actually made Anne’s situation worse by punishing her rather than the wrongdoers. The Department of Justice is currently investigating Anne’s school. We have increased advocacy efforts with schools, reminding them of their obligation to protect all students, regardless of sexual orientation or gender identity so that Anne’s situation does not happen to other Mississippi students.

## SO WHAT IS TITLE IX, AND HOW ARE YOU PROTECTED?

Title IX is more than athletics. Title IX covers all forms of sex discrimination, harassment, and violence in any school that receives federal funds in some

manner, and includes such conduct as verbal harassment and stalking, sexual assault and rape. Harassment or physical violence against LGBT students constitutes a violation of Title IX due to sex discrimination.

Sex discrimination is against females and males. Sex discrimination and Title IX violations include conduct based on gender conformity, which has been interpreted to protect LGBTQ students. Gender conformity refers to the traditional categorization of males and females, such as the beliefs that women should wear dresses and men shouldn’t wear makeup. Preventing that is against the law as long as those students adhere to the dress code that applies to all students. If students are being harassed because of the way they dress, as Anne was for not wearing “appropriately feminine” clothing, the school has an obligation to intervene to stop this harassment.

In February, the Department of Justice rescinded the Obama administration’s guidance regarding transgender students. Shortly thereafter, the Supreme Court chose not to hear the ACLU’s case regarding transgender students’ use of public facilities. However, good news may be on the horizon. In a recent court case, *Whitaker v. Kenosha*, a transgender male student argued for the right to use the school’s boy restroom based on Title IX protections. The U.S. Seventh Circuit Court of Appeals agreed, giving hope to proponents of transgender rights that one day all people will be able to use public facilities that align with their gender identity.

No matter a child’s sex, sexual orientation, or gender identity, the ACLU of Mississippi will always be there to fight against harassment and injustice. If a student has been bullied, harassed, or assaulted, contact the school’s administration. If the school administration refuses to intervene, contact the ACLU of Mississippi or the Department of Justice. Every student deserves a safe educational environment.

# Fostering Transformation by Changing Narratives and Engaging Systems

BY AISHA CARSON, EDUCATIONAL OPPORTUNITIES ADVOCACY COORDINATOR

The work of the ACLU of Mississippi centers on advocacy, policy change and litigation. So when we partnered with the Mississippi Center for Justice, the Sunflower County Consolidated School District, and its Parental Engagement Council for SCSCP, many people wanted to know why. The answer is simple: in order to disrupt the school to prison pipeline, it is necessary to take a community based systems change approach that directly engages the systems that adversely impact students of color.

Directly engaging those systems has yielded positive impacts. Specifically, there are two products that have solidified SCSCP as a model for districts across the state - the success of the R.O.O.T.S. of Sunflower County Project and the Sunflower County Consolidated School District's newly recommended student code of conduct.

## NARRATIVE CHANGE TO IMPACT SYSTEMS

Policy change around the school to prison pipeline typically focuses on school discipline policies and the policies and procedures of local youth courts. What is often left out of the conversation is the component that brings about such grave disproportionality for young men and boys of color (YMBOC) in communities like Sunflower County in the first place: negative narratives and perceptions that determine how people engage, teach, and discipline them. Students are punished more often and more harshly based on who they are and what they look like. Black boys are three times more likely to be arrested than their white peers. One out of every six black boys has a likelihood of being suspended at least once compared to one out of every 20 white students.



**R.O.O.T.S. participants showcase traveling museum exhibit at JSU's Margaret Walker Center.**

Racial disparities are not the result of a difference in behavior, rather a difference in treatment. But, why? Why are black students treated differently than their peers? In short, because their perception precedes them. Biased news media has historically perpetuated the negative narratives of YMBOC and caused wide spread perceptions of who they are.

**"Why are black students treated differently than their peers? In short, because their perception precedes them."**

So, to effectively address policy change that disrupts the school to prison pipeline, policy change must be paired with changing the narrative of YMBOC to touch the root cause of their disparate treatment.

The R.O.O.T.S. Project, made up of 19 young men from Sunflower County, grew out of the need to address negative narratives. It is the "hearts and minds" work of the SCSCP collaborative, changing people's perception of YMBOC by appealing to their conscience through authentic stories and youth voice.



Capturing individual experiences and helping to use those experiences to inform policy created the museum exhibit that has already traveled from Indianola to Jackson, MS.

## ENGAGING SYSTEMS TO IMPACT CHANGE

SCSCP is geared toward building the capacity of the community to foster and sustain systemic change. With many successes these past two years, the momentum for changing outcomes for YMBOC has been cultivated by a supportive Sunflower community.

The community advisory council, made up of a diverse group of community stakeholders, was pivotal in developing the newly recommended code of conduct. This code now offers alternatives to suspension, limits zero tolerance policies to those mandated by state law, and adds multi-tiered supports for students. We anticipate a final vote on the new policy with full support from the superintendent in July. Upon adoption, the new code will go into effect for the 2017-2018 school year and will be closely monitored to track its success.

*For more information, please visit [www.sunflowercountysystemschange.com](http://www.sunflowercountysystemschange.com).*



# TEAP-MS: Educating and Engaging

BY MALAYSIA WALKER, TEAP-MS ADVOCACY COORDINATOR

Transgender and gender non-conforming people are often misunderstood. There have been times when we have been referred to as being “unruly” or “confused” or “those people with the bad attitudes”. This opportunity for understanding fuels the fight for equal rights and non-discrimination policies. Understanding takes away the feeling of fear and opens the door to access.

Here are answers to a few frequently asked questions about the trans/GNC community:

## WHAT DOES TRANSGENDER/GENDER NON-CONFORMING MEAN?

Transgender is a term used to describe people whose gender identity differs from the sex they were assigned at birth. Trans is shorthand for transgender. (Gender Identity is someone’s personal sense of being either male or female.)

Gender Non-Conforming (GNC) is a term used to describe people whose gender expression is different from conventional expectations of masculinity and femininity.

## WHAT DO TRANSGENDER PEOPLE LOOK LIKE?

Transgender people look like everyone else in our community. They’re moms and dads, teachers, students, even children. There’s no concrete way to determine whether a person is transgender or not. Trans/GNC people want to be treated like equal members of society.

## DO TRANSGENDER PEOPLE LIVE IN MISSISSIPPI?

Trans/GNC people live, work, and play in Mississippi. There are approximately 15,000 Mississippians who identify as transgender, including about 1,600 youth.

## WHY IS TRANSGENDER EQUALITY SO IMPORTANT?

Transgender people face much more harmful discrimination and harassment than anyone else in the LGBTQ community. Since January 2017, there have been 10 murders of transgender men and women, most of them being women of color. Mississippi offers NO legal protections for transgender people. Without policy protections in place, transgender people cannot fully participate in society. No one should be denied employment, housing, educational opportunities, or access to public accommodations because of who they are, where they come from, what faith they practice, or who they love.

## TEAP-MS’ JOURNEY TO INCLUSIVITY

In March, we held a legislative hearing in conjunction with Senator Debbie Dawkins of Gulfport. It was an opportunity for trans/GNC Mississippians and allies to tell legislators about their personal experiences and the need for protections.

To celebrate Transgender Day of Visibility, we kicked off the day by volunteering at the Mississippi Food Network and culminated with a showcase of talents from the trans/GNC community at Green Ghost Taco’s in Jackson, MS.

We launched “Transality: The Reality of Transgender Identity and the Importance of Activism” town hall series in Long Beach, MS in May. We provided a space for the community to ask questions and gain knowledge about the trans/GNC community. Other forums are planned for Alcorn, Bolivar, and Neshoba counties.

We know that change doesn’t happen overnight. Through continued education and advocacy, we intend to make the presence of the trans/GNC community stronger so that our voices are heard and acknowledged, and our rights as human beings are enforced.

## I.D. ME

Voting is the cornerstone to our democracy. But for the trans/GNC community, it can be a cumbersome task now that Voter ID is a requirement at every election. We want to create a barrier-free and non-threatening zone so that all transgender and gender non-conforming Mississippians can cast their ballot without fear or intimidation. The TEAP-MS Program introduces “I.D. Me,” an advocacy-led program that will provide a step-by-step guide and legal assistance to those seeking name/gender marker changes. The goal of this program is to further the voting rights of trans/GNC individuals and increase access to the polls. Voting rights matter, and we are working to ensure that the votes of the trans/GNC community count.

## TEAP-MS KEY LEADERS SPOTLIGHT

### ENGLISH FIELDS

Pronouns:  
She/Her/Hers

English is from Corinth, MS, and is a graduate of Rust College in Holly Springs, MS. She says it is important to advance inclusivity and protections for the LGBTQ community so that everyone can be equal.



### JENSEN MATAR

Pronouns: He/Him/His

Jensen resides in Jackson, MS. He is an entrepreneur, and has his own clothing line. He believes that we need civil rights protections, accessible healthcare, and job opportunities just as everyone else.



### CURTIS LEHR

Pronouns:  
She/Her/Hers

Curtis is a musical engineer and activist from Cleveland, MS. She says that visibility and education of the trans/GNC community will help increase understanding and reduce harassment and discrimination in Mississippi.







# HIGHLIGHTS FROM THE COURTS

## FREE SPEECH

The Mississippi Commission on Judicial Performance sought to reprimand Forrest County Justice Court Judge Gay Polk-Payton for her social media activity and for a book she authored. Judge Polk-Payton's attorneys, David McCarty and Oliver Diaz, asked the ACLU of Mississippi to participate in the case as "amicus curiae" to help the Mississippi Supreme Court properly evaluate and decide the First Amendment free speech issues. Legal Director Paloma Wu and Staff Attorney Joshua Tom authored a brief highlighting the free speech issues and argued that Judge Polk-Payton could not be reprimanded as her speech was protected by the First Amendment. Mr. Tom participated in oral argument before the Mississippi Supreme Court. The day after oral argument, the Court in a short opinion decided for Judge Polk-Payton and held that she could not be reprimanded for her speech.

## IMMIGRANTS' RIGHTS

The U.S. Supreme Court issued a decision regarding the March "travel" ban Executive Order, also known as Muslim Ban 2.0. The Court is only allowing the government to ban nationals of Sudan, Syria, Iran, Libya, Somalia, and Yemen who are outside the U.S. and do not have a valid visa as of January 27, 2017, as well as those who do not have a "credible claim of a bona fide relationship with a person or entity in the United States." The ACLU points out exceptions to this order. *For further explanation, please visit our website at [www.aclu-ms.org](http://www.aclu-ms.org).*

## INDIGENT DEFENSE

A settlement agreement has been reached in the federal class-action suit *Burks v. Scott County, Mississippi*, which challenged the county's practice of detaining people who can't afford an attorney for as long as a year without appointing counsel and without formally charging with them a crime. U.S.

District Judge Henry T. Wingate's order requires Scott, Leake, Neshoba, and Newton counties to appoint public defenders at arrest, which will ensure that arrestees have attorneys at their first bail hearings to argue for lower bail amounts and release until trial. The settlement agreement and court order also prohibit the counties from detaining felony arrestees solely because they can't afford money bail, a blow to unconstitutional wealth-based incarceration. The settlement further affirms defendants' fundamental right to release prior to trial on the least restrictive conditions needed to secure defendants' presence at trial.

## LGBTQ

The Supreme Court will hear an appeal in *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, a decision against a Colorado bakery that refused to sell a wedding cake to a same-sex couple. The Colorado Court of Appeals found the Denver-area bakery discriminated against the couple, who is represented by ACLU National.

**"We will continue to advocate for equal protection for our plaintiffs and the LGBT community in Mississippi."**

In Mississippi, the U.S. Courts of Appeals for the Fifth Circuit overturned the preliminary injunction in the lawsuit, *Barber v. Bryant*, which had previously stopped House Bill 1523 from taking effect. As a result,

thousands of LGBT Mississippians, single parents, and children are at risk of being harmed. This broad license to discriminate includes provision that would seek

to allow state employees to withhold marriage licenses from same-sex couples. The ACLU of Mississippi's case is moving forward. We will continue to advocate for equal protection for our plaintiffs and the LGBT community in Mississippi.

## RACIAL JUSTICE

In May, we filed a class-action lawsuit against the Madison County Sheriff's Department (MCSD) over its unconstitutional policing program to systematically target Black people for illegal searches, stops, and seizures. The 10 named plaintiffs are Black people—men and women ages 27 to 62—who were unconstitutionally searched, detained, or arrested by the MCSD, sometimes violently, while they were merely walking to work, driving in their neighborhood, celebrating with family, or just spending time in their own homes. The landmark lawsuit seeks reforms that promote bias-free and evidenced-based policing, transparency, and police accountability as well as improved training and data collection. Simpson Thacher & Bartlett LLP is co-counsel.

# INTERN SPOTLIGHT

## SARAH BACOT

Originally from Bay St. Louis, Mississippi, Sarah is a rising 3L at Harvard Law School. She



graduated from Rhodes College in Memphis, Tennessee in 2013 with a degree in history and gender and sexuality studies. Before starting law school, she spent a year as a Thomas J. Watson Fellow, traveling internationally to work with queer community organizations in Poland, Argentina, India, South Africa, and Canada. Upon returning to the United States, she spent a year researching for a healthcare organization providing medical services to underserved populations in Memphis.

Sarah is excited to spend a summer back home in Mississippi. She wanted to work with ACLU because she appreciates the incredible work the organization is doing in her home state, and she is looking forward to learning as much as possible in her time here. In her free time, you can find her spending time with family, watching "The Office" or "Parks and Rec", or reading in her hammock.



## GRANT SIMON

Born and raised in Dubuque, Iowa, Grant is a rising 2L at University of Missouri-Columbia.

After graduating high school simultaneously with an Associate's Degree from Northeast Iowa Community College, Grant graduated Summa Cum Laude from Truman State University in only two years. While at Truman State, Grant majored in criminal justice with a minor in disabilities studies. In addition, Grant served as captain of the mock trial team and sang in the advanced choir.

## GABRIELLE WELLS

Gabrielle is a native of Clinton, Mississippi, and recent graduate of the University of Mississippi with a B.P.S. in Paralegal Studies. She plans to work one-year as a paralegal while preparing for law school to specialize in child advocacy and law. She is also a member of the Lambda Epsilon Chi National Paralegal Honor Society and Delta Sigma Theta Sorority, Inc.



Her work with the Center for Inclusion and Cross Cultural Engagement as a mentor and with the McLean Institute at the Boys and Girls Club as a volunteer fueled her commitment to advocating for the most vulnerable members of our society. Recognizing the need for help amongst other members of society led Gabrielle to the ACLU of Mississippi.

In addition, Gabrielle works in the Child Watch Center and as a group fitness instructor teaching Zumba and Step at the Baptist Healthplex in Clinton.

## Testimony from Nicole Perry, Advocacy Intern

I knew that I wanted to be involved in policy-making in the future, so the ACLU of Mississippi



was a perfect fit for my summer internship. As a senior political science major at Mississippi State University, I knew I could use my skills to help enhance the great work that this affiliate is already doing. Working here provides me an avenue to participate in making effective changes, no matter how small.

The things that the ACLU of Mississippi stands for and fights to protect also played a role in my decision to seek an internship. As somebody who is of a religious minority, protecting the rights of others and their faiths is something of great significance for me, especially in a place like Mississippi. I also have seen and heard stories from others who have faced discrimination and hardships based on their beliefs and identities, and have always wanted to find a way to help. The ACLU of Mississippi was the perfect outlet for me to learn about the things that I could do to help others in these situations.

In my time here, I have learned skills that I know will benefit me in the future, and have established valuable connections within the office. It has helped put to rest my worries as to whether or not this is the kind of field I want to go into once I graduate from college, and the experiences I have had here are ones that I would not trade. Of everywhere that I could have applied to, I am glad that I decided to join the ACLU of Mississippi.

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## Save the Dates!

### SCHOOL HOUSE RIGHTS ROCK!

3RD ANNUAL  
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SATURDAY, AUGUST 26, 2017  
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### BLUES ON THE REZ

AMERICAN CIVIL LIBERTIES UNION of MISSISSIPPI

**BLUES**  
ON THE  
**REZ**



SEPTEMBER 23, 2017  
5 P.M.

*The* LAKE HOUSE  
135 MADISON LANDING CIRCLE  
RIDGELAND, MS 39157



# 2018 ACLU of MS Legislative Agenda

President Trump's divisive rhetoric and actions have hit Mississippi, from rescinding protections for our most vulnerable to penalizing citizens for exercising their constitutional rights. The ACLU of Mississippi stands more committed than ever to pursue an agenda that promotes justice and equality for all Mississippians. Our legislative package includes the following proposals.

## STATE CIVIL RIGHTS PROTECTIONS

In our continued fight for equality for all, the ACLU of MS will again propose the Mississippi Civil Rights Act with two additional pieces of legislation that strengthen current law. This legislation is designed to protect all Mississippians from discrimination on the basis of race, color, sex, religion, national origin, immigrant status, disability, gender identity, and sexual orientation. We are also asking the legislature to add sexual orientation and gender identity protections for current and future state employees and to those seeking housing.

## SPECIAL PROSECUTOR PROVISIONS AND RACIAL IMPACT ANALYSIS

The ACLU of MS advocates for the creation of a statutory process for the selection of a special prosecutor, especially in cases where a law enforcement officer involved shooting has occurred. Special prosecutors have traditionally served as a safeguard against unfair trials and adds a level of credibility and trust to our criminal justice system.

The criminal justice system in Mississippi has a disproportional impact on people of color. Historically, laws creating changes in the criminal justice system overlook this disparity. The ACLU of MS proposes legislation to ask for a racial disparity impact

analysis for each piece of legislation affecting changes in the criminal justice system. This analysis will serve as a valuable tool to inform decision makers and stakeholders of the potential disparate impact of any legislation impacting our criminal justice system.

## WRITTEN CONSENT TO SEARCH VEHICLES AND POLICIES FOR LAW ENFORCEMENT BODY CAMERAS

Often times, drivers don't know that they can deny consent to police officers when stopped by the police. The ACLU of MS is again proposing legislation to ensure that drivers understand their constitutional right to say no to a request to search by requiring written consent with a simple disclosure. This will cover instances when an officer doesn't have a warrant, is not making an arrest, or does not have probable cause. Written consent improves policing as well as protects public safety and civil liberties.

Police body cameras have the potential to serve as a check against the abuse of power by police officers. However, without statewide guidelines in place for their use, body cameras present a potential invasion of privacy and lack of accountability and transparency. The ACLU of MS' legislation will not mandate that all Mississippi law enforcement officers be equipped with body cameras, but it will ensure that law enforcement agencies do so within a framework of standardized policies.

## EDUCATION PROFESSIONAL ADVANCEMENT

Beginning immediately, school boards across the state have new directives for the hiring of superintendents. According to a 2017 amendment, school superintendents must only come from districts with an "A" or "B"

rating or a school that has made an improvement in rating during their tenure. This amendment inherently discriminates against majority black and rural low-resourced districts, disenfranchising teachers and administrators who vehemently hold up public education in the state. By placing a scarlet letter on struggling districts and stunting growth for career educators, this amendment disproportionately affects African Americans and women. The ACLU of MS will introduce legislation to rectify this effect by adding emphasis to professional experience as opposed to subjective, arbitrary criteria.

## EXPANDING VOTER ACCESS

Common sense reforms, like no-excuse early voting and online voter registration, boost turnout, make the voting process easier for everyone, including election officials, and help to ensure that people can exercise their fundamental right to vote. The ACLU of MS supports legislative efforts to permit a two-week period prior to Election Day for eligible voters and to further develop a secure internet website established by the Secretary of State that would allow for online registration.

The ACLU of Mississippi will engage and work with the members of the Mississippi State Legislature to obtain the successful passage of these measures. At the same time, we will remain alert and will work diligently to defeat any legislation that goes against the core principles of our aforementioned prioritized areas of focus.

**Save the Date!**  
**Legislative Advocacy Day 2018**  
January 23, 2018  
*See the back for details.*

## ACLU-MS STAFF

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## A LETTER FROM THE EXECUTIVE DIRECTOR

### The Power of the ACLU – Still Here!

*“What is needed is a realization that power without love is reckless and abusive, and love without power is sentimental and anemic. Power at its best is love implementing the demands of justice, and justice at its best is power correcting everything that stands against love.” – Dr. Martin Luther King, Jr.*



In 1967, Dr. King delivered his “Where Do We Go From Here?” address to the Southern Leadership Conference in Atlanta, GA. The words of his speech then remain relevant today. We see first-hand on the national and state level the reckless and abusive impact of power without any consideration for what is just. When we saw recent news clips of the faces of tiki torch-carrying supremacists, we were reminded of Dr. King’s words from 50 years ago: “I’ve seen hate on the faces of too many Klansmen and too many White Citizens Councilors in the South... I know that it does something to their faces and their personalities.” In the same speech, Dr. King also said “... *Power properly understood is nothing but the ability to achieve purpose. It is the strength required to bring about social, political, and economic change.*” The ACLU understands power. The ACLU understands people power. The ACLU understands the power of its purpose.

When faced with the disparaging possibilities of discriminating legislation, the ACLU of MS was the first to file litigation to defeat injustice. Our case is strategically pending before the Courts for consideration. When students across the state of Mississippi exercised their First Amendment right to “take a knee” and were met with ignorance and mean spirited governmental actors, the ACLU of MS was there. We advised every school district in the state non-disruptive silent forms of protest are protected expression. When we learned that some officials are trying to figure a way around the law of the land, we reminded them that we are still here and we will stand for our students’ right to take a knee.

We are not just defending against tyranny. We are using our collective power to advance justice and liberty. The ACLU of MS continues to advocate for increased access to the voting polls, equal protection for our LGBTQ community members, educational opportunity, and criminal justice reform.

As Dr. King stated, even though the “*road ahead will not always be smooth. There will still be rocky places of frustration and meandering points of bewilderment.*” While honored to lead this great organization, I recognize that the power of the ACLU of MS is not held in the skill craft of a talented staff of committed social justice professionals. The power of the ACLU of MS is you, me and our collective “we” standing together, demanding justice, and letting those who would do justice harm know that we are still here defending freedom.

I hope you will enjoy reading this quarter’s newsletter and will recognize that our power, the power of the ACLU, is working to correct everything that stands against love and justice.

**Sincerely,**  
**Jennifer Riley-Collins**

# Let People Vote

BY KATHERINE KLEIN, EQUALITY FOR ALL ADVOCACY COORDINATOR

The ACLU of Mississippi is proud to announce our strategic voting initiatives for the 2018 legislative cycle. *Let People Vote* is a campaign to advocate for the passage of no-excuse early voting and online voter registration. These measures will expand access to the polling place and increase civic engagement in Mississippi.

Mississippi's voting laws have long been steeped in complexity and racial bias. Having as many people as possible participate in an election strengthens and legitimizes the electoral process. Therefore, we should ensure that as many Mississippians as possible are registered to vote and can access the ballot box. It's past time to bring Mississippi into the 21<sup>st</sup> century of voting.

Mississippi should give every qualified elector the opportunity to cast their ballot in advance, regardless of excuse. Thirty-seven other states and the District of Columbia already have early voting. In addition to providing the flexibility and convenience most voters need, two weeks of early voting in Mississippi would also cut down on Election Day lines, give election officials more time to correct ballot errors, and improve the voting experience overall.

Currently in Mississippi, voters are required to provide an excuse to absentee vote. As our lives become more complex, confining voting to an absentee process is not reflective of how most voters live. A voting age student who is away at school or in an extracurricular activity, working mothers who are juggling work and active children, and rural voters may not have the opportunity to participate in the electoral process.

Election Day voting and absentee voting do not have remediation procedures that ensure every vote is counted.

Paper-based voter registration is the biggest election administration problem in Mississippi. Allowing first-time voters to register online is a common-sense solution to alleviating this issue, and furthers efficiency in the registration process. The Secretary of State's *Y'all Vote* website already provides a mechanism to update your voter information, and could easily be modified to allow first-time voters to register online.

Online voter registration and no-excuse early voting are supported by People Power, which means that you play an integral role in getting these measures passed. Take action to make these voting reforms a reality, and LET PEOPLE VOTE!

LETPEOPLEVOTE

## WHAT YOU CAN DO

*Actions You Can Take to Advance Early Voting & Online Voter Registration*

- ☐ Educate yourself about the issues.
- ☐ Host a People Power get together in your community: Participate in or organize information sessions, rallies, and other public events.
- ☐ Schedule a phone bank with your friends or write your legislators to ask for their support to expand access to the ballot box.
- ☐ Get the word out on social media.
- ☐ Share information with faith organizations.
- ☐ Become a Liberty Lobbyist.
- ☐ Urge local elected officials to pass a resolution.
- ☐ Meet with your state legislators in-person.
- ☐ Save the Date: Participate in the ACLU of MS Legislative Advocacy Day on January 23.



**WE'LL STAND  
FOR YOUR RIGHT  
TO TAKE A KNEE.**

**If your public school is  
requiring you to stand for the  
national anthem, contact us.**

**ACLU**

Photo: AstroStar/Shutterstock



# Breaking Down Barriers: A TEAP Update

BY MALAYSIA WALKER,  
TEAP-MS ADVOCACY COORDINATOR

I approached the kiosk with excitement as I placed my luggage on the scale to be weighed before loading it on the airplane. The young lady at the check-in station asked for my identification so she could print my boarding pass. She looked at it, read it, raised her head to look at me in shock and amazement, then looked at my identification again. "Is something wrong," I asked. She replied, "Give me a moment, I'll be right back". The airline representative left the desk and returned with her colleague. I heard her ask him what she should do. Upon examination of my identification and my appearance, he stated, "That's the same person, let him through." The teller approached the counter again, proceeded to print my boarding pass and luggage claim ticket, handed me my ID and whispered, "I couldn't tell. You had me fooled." All of this unnecessary drama, torment, and mental anguish all because my identification did not match my identity. I have since updated my ID so that it matches my identity, a process I had to figure out on my own.

Instances like this happen all too often for people like me. Whether it is at a restaurant attempting to order drinks, enrolling in school, obtaining employment, or at the voting polls, transgender people face enormous levels of harassment, discrimination, ridicule, and danger when their true identity is not represented on their identification. This is the reason ID ME is so important.

ID Me, a project of our Transgender Education & Advocacy Program (TEAP), helps to alleviate this issue by providing step-by-step assistance for the legal process of changing a person's name and/or gender marker on documentations. The overall intent is to ensure that our transgender and gender non-conforming community utilize the power they possess by making their voices heard at the ballot box. With the proper ID, trans people have less chance of being 'outed,' which often times carries its own dangerous weight.

Transgender people also experience violence at an alarming rate. In 2016, 27 trans men

and women in the U.S. and 295 worldwide were killed due to anti-trans violence. So far this year, we have lost 26 and 331 across the globe. We celebrated and honored the lives of those trans Americans we've lost in 2017 during Transgender Week of Remembrance in November.

It is devastating to hear those names announced each year, especially when they are of relatives or close friends. Mesha Caldwell was like a sister to me. We had been close friends for more than 20 years. She was the first trans woman of color killed this year. She was a Mississippian and her life mattered. Another friend, Chyna Gibson, of New Orleans, LA, was murdered outside of a shopping center. She became the seventh trans murder in 2017.

No more names should be added to this list. We will continue our fight for transgender rights. Including sexual orientation and gender identity in housing and state employee protections diminishes obstacles toward a more affirming environment. Stamping out discrimination in the form of policy protections, like the Mississippi Civil Rights Act, gets us a step closer to a more just and equitable state. We are advocating for these measures in the 2018 legislative session so that no one has to live in fear of living their true identity.

## SCHOOLHOUSE RIGHTS ROCK! 2017

Our final Schoolhouse Rights Rock program was attended by about 75 middle and high school students, parents, and advocates at the Mississippi Gulf Coast Community College in August. The day consisted of training workshops for students on civil rights, encounters with law enforcement, schoolhouse rights, and peer-to-peer mediation. For the adults, sessions provided information on how to advocate for students with disabilities and those facing expulsion, Title IX, and how to lobby your legislator. The Peace Poets closed out the program with a special performance.



### Find the words below in this TEAP-MS Word Search. Good luck!

<b>Affirmation</b>	R	K	R	H	C	K	H	T	R	A	N	S	W	O	M	A	N
<b>Awareness</b>	A	U	E	E	T	G	E	T	D	E	T	Y	W	K	R	I	N
<b>Policy</b>	V	Z	D	K	R	U	R	A	I	Z	Y	C	M	P	B	R	O
<b>Discrimination</b>	A	D	N	M	E	A	R	F	O	T	D	I	Y	E	K	B	I
<b>Equality</b>	D	E	E	H	N	C	O	T	I	F	U	L	I	P	N	A	T
<b>Gender</b>	T	P	G	S	T	O	N	L	U	D	O	O	C	C	F	Q	C
<b>Identity</b>	X	M	M	L	T	P	I	A	A	T	E	P	Q	F	I	S	E
<b>Non Conforming</b>	M	A	Y	R	J	B	H	W	R	Q	Y	N	I	U	G	M	T
<b>Protection</b>	N	L	W	G	I	E	A	F	U	B	Q	R	T	H	J	K	O
<b>Remembrance</b>	E	T	H	S	W	R	B	A	P	P	M	Q	O	I	X	V	R
<b>Trans Man</b>	Y	J	I	F	E	K	L	H	X	A	A	E	O	R	T	A	P
<b>Trans Woman</b>	I	V	R	N	A	I	R	A	T	U	I	B	M	Y	A	Y	J
<b>Transgender</b>	P	R	E	R	T	R	F	I	L	F	F	V	M	E	T	M	Z
<b>Truth</b>	J	S	E	Y	J	U	O	W	R	N	T	F	C	K	R	S	E
<b>Visibility</b>	S	I	D	Y	Q	N	R	E	D	N	E	G	S	N	A	R	T
	G	M	D	I	S	C	R	I	M	I	N	A	T	I	O	N	E
	O	D	K	A	N	O	N	C	O	N	F	O	R	M	I	N	G

# Equitable Educational Opportunities for All

BY AISHA CARSON,  
EDUCATIONAL OPPORTUNITIES  
ADVOCACY COORDINATOR



The education work of the ACLU of Mississippi has largely centered on the rights of students and parents and in supporting fair and equitable policies within school systems. Creating systemic change in the institution of education in Mississippi has been at the forefront of our fight for equitable education in the state. For the last two years, the Sunflower County Systems Change Project (SCSCP) has served as the ACLU of MS' lead effort to create change in education. Our success with SCSCP led to the expansion of the educational opportunities work of the affiliate and revealed the importance of our newest legislative initiative that seeks to address the big picture impact

of education equity through advocating for marginalized educators.

Equity in student learning, achievement, and funding are important aspects of ensuring that the public school system is providing children across the state with equal

access to quality education. A huge part of creating equity in educational opportunities is also the quality and qualifications of teachers and the administrators that lead school districts. The *Equitable Opportunities for All Mississippi Educators Initiative* is leading our efforts to engage lawmakers in equitable policies to support strong public schools.

Section 37-9-13 of the Mississippi Code of 1972, enacted on July 1, 2017, changes the qualifications for superintendents based on school accountability ratings, barring educators in low performing districts from seeking leadership positions in other districts in the state.

Penalizing courageous and passionate educators with stunted career growth for aspiring to help struggling districts is counterproductive to the law's intent. The statute negatively and disproportionately affects the career trajectory of African American educators and educators in low-resourced school districts.

With 98% of all African American superintendents leading school districts rated "C" or below and only 10.2% of the state's school district boasting an "A" rating, the statute inherently marginalizes educators who are in low-resourced, predominantly African American, districts with lower accountability scores. Using accountability ratings to determine superintendent and administrative qualifications is ineffective as there are several factors that affect a district's rating other than its leadership.

Equitable educational opportunities must exist at every level of the system, and should help to create equal access and opportunity for quality certified educators to progress. The *Equitable Opportunities for All Mississippi Educators Initiative* is the first goal in ensuring that strong public schools are supported through state policy.

## LAVENDER PEN TOUR

In October, the ACLU of MS and TEAP-MS welcomed the San Francisco Gay Men's Chorus (SFGMC) and the Oakland Interfaith Gospel Choir (OIG) as they made their first stop on the Lavender Pen Tour. The tour visited Jackson, MS, along with four other cities across the south, to combat HB 1523 and the other major discriminatory laws targeting the LGBTQ community. Through music and encouragement, the concert provided an opportunity to provoke community conversations and action around civil liberties for all. TEAP-MS was a beneficiary of the concert proceeds. We are very thankful for the partnership with SFGMC and OIG!





# HIGHLIGHTS FROM THE LEGAL DEPARTMENT

BY JOSHUA TOM, LEGAL DIRECTOR

## FREE SPEECH

Across the country and here in Mississippi, athletes have been speaking up about racial injustice by taking a knee. These silent protests during the National Anthem have stirred controversy with local people and even the president. What is clear, and what the ACLU of Mississippi has made clear, is that the First Amendment to the U.S. Constitution protects silent, peaceful protest.

The Lowndes County School District contemplated instituting a policy that would require everyone attending a sporting event, including fans, to stand for the National Anthem. The ACLU of Mississippi made clear to Lowndes County that this policy is unconstitutional and should be rejected.

The ACLU of MS supports these students in both their activism and their messages of freedom and equality. We believe that any action by the government to punish these students for exercising their constitutional rights is antithetical to our American values and would violate students' clearly established First Amendment free speech rights.

The ACLU of Mississippi remains vigilant should this or any similar policy be implemented by public schools in the state.

## LGBTQ

The country's most extreme and discriminatory law of its kind, HB 1523, which allows state-sanctioned discrimination against our LGBTQ friends, family, co-workers and neighbors, and also

against single mothers amongst others, has become the law in Mississippi. After being declared unconstitutional late last year by a federal District Court in *Barber v. Bryant*, the Fifth Circuit Court of Appeals in June 2017 overturned the lower court's decision. This paved the way for the law to take effect on October 10, 2017.

The Fifth Circuit did not rule on the substance of the law and expressed no opinion on whether the law was constitutional. Instead, the Court based its decision on a technical issue called "standing." The ACLU of MS remains confident that this law is unconstitutional and will be struck down. It is not a matter of if, but when.

The plaintiffs in *Barber v. Bryant* are appealing their case to the U.S. Supreme Court. In addition, the ACLU of Mississippi's case against HB 1523, *Alford v. Moulder*, remains viable, and we look forward to continuing to fight this discriminatory law.

## RACIAL JUSTICE

The ACLU of Mississippi, along with its co-counsel Simpson Thacher & Bartlett and the National ACLU, continue to litigate our case against Madison County and the Madison County Sheriff's Department (MCSD). *Brown v. Madison County* alleges stark racial discrimination in the policing of Madison County. Our plaintiffs allege that the color of your skin dictates how you are treated by the sheriff deputies in Madison County. Everyone should be treated fairly and equally regardless of color. MCSD's Policing Program

violates both the Fourth Amendment's prohibition on unreasonable searches and seizures and the Equal Protection Clause of the Fourteenth Amendment.

The parties are currently in the heart of discovery, and the plaintiffs will file for class certification early next year. This lawsuit has been long overdue, and we look forward to achieving justice and fairness for all residents of Madison County.

## PRIVACY

Should the government have unbridled discretion to search the contents of your phone or other electronic devices at the border? The ACLU of MS, along with the National ACLU, the ACLU of Texas and the ACLU of Louisiana, say no.

In 2014, the U.S. Supreme Court held that a warrant is normally required before the government can search the phone of someone who's been arrested. In the case of *United States v. Maria Isabel Molina-Isidoro*, however, the government has argued that they needed no warrant to search a phone at the U.S. border. Indeed, the government's position is that it may search electronic devices at the border without any individualized suspicion of criminality or wrongdoing.

We along with our partner ACLU organizations argue in a joint *amicus* brief that the government can do no such thing. Instead, the government needs a warrant or at a minimum probable cause before it may search a person's electronic devices, which contain highly sensitive and personal information.

The case is currently pending before the Fifth Circuit Court of Appeals.

## INTERN SPOTLIGHT

### Laetitia Clarac

Laetitia has served as legal intern at the ACLU of Mississippi since October 2017.

Before working at the ACLU, she did pro bono legal work for immigrants without papers.



She wants to pursue a career in the protection of civil liberties.

Laetitia is an LL.M. (Masters of Law) student at Mississippi College School of Law, and will graduate in December 2017. Originally from France, she has spent the last five years getting a legal education with an emphasis on International Human Rights Law. She wrote her master's thesis on the right to seek asylum based on sexual orientation and/or gender identity.

### Anna Williams

Born and raised in Jackson, MS, Anna is a graduate of Holmes Community College with a degree in criminal justice. She is currently a junior at Jackson State University, majoring in Criminal Justice. Her career goals include serving as an Information Analyst for the FBI. Anna is also a member of Phi Theta Kappa.





## KNOW YOUR RIGHTS COLLEGE TOUR & WEDNESDAY WEBINAR SERIES

This fall, the ACLU of Mississippi embarked on a cross-state tour of Mississippi universities to teach students about their rights. At the same time, we used technology to teach people about their rights remotely in our Wednesday Webinar series. Our Know Your Rights (KYR) college tour consisted of training in four key areas: LGBT rights, voting rights, freedom of speech and expression rights, and knowing your rights in encounters with law enforcement. The webinar series focused on policy initiatives in those key areas and added a “How to Lobby Your Legislator” training as part of our Liberty Lobbyist program. About 50 people participated in the online seminars.

We engaged around 200 students during the college tour at Ole Miss, Jackson State, Mississippi State, Alcorn State, University of Southern Mississippi, and Delta State. Students also received our Legal Observer training. We thank the student-led organizations on those campuses for partnering with us, including the ACLU chapter at Ole Miss Law, Mississippi State LGBTQ+ Union, USM Social Workers, Alcorn Manners as well as Alcorn’s SGA, Phi Beta Sigma Fraternity and Zeta Phi Beta Sorority chapters.

If you would like to request a KYR or Legal Observer training, or to join our Liberty Lobbyist program, email us at [office@aclu-ms.org](mailto:office@aclu-ms.org).



THE UNIVERSITY OF  
SOUTHERN  
MISSISSIPPI



Alcorn  
State University

## Blues on the Rez

The ACLU of MS put a soulful touch on our annual event. Blues on the Rez was held on September 23 at The Lake House on the Mississippi Reservoir. Grammy Award winning songwriter, entertainment, and musician Grady Champion captivated the audience with his signature sounds. We also recognized seven individuals for their involvement and commitment to justice and equality.

Criminal justice reform recipients, Khadafy and Quinnetta Manning, showed us courage to stand against discrimination and racially biased policing in Madison County. Jensen Matar has served as a true defender of freedom of speech and expression by educating Mississippians about the transgender community and the need for policy protections. William Murphy and Betty Petty are working to disrupt the school to prison pipeline. They have helped to change the entire Sunflower



County community’s perception of young men and boys of color, and received the Extending Equality to All Mississippians award. Ms. Schallheim has been a consistent volunteer of the ACLU of Mississippi ever since she landed in the Magnolia State. Dylan Singleton was our Defender of Freedom honoree. As the former Director of Operations and Administration, he helped to transform the ACLU of Mississippi into a leading organization in the fight for justice and freedom for all.

## Become a Liberty Lobbyist

Your voice is one of the most powerful tools in your possession when it comes to making changes to our government. However, many feel that their voices are not heard or get lost in the crowd. We are here to help!

The ACLU of Mississippi’s Liberty Lobbyist Program is designed to educate and prepare community stakeholders to become lobbyists. As a Liberty Lobbyist, you will help us in supporting our 2018 Legislative Agenda and other legislative advocacy efforts by influencing legislators and other elected officials.

Sign up today to become agents of change and help us protect the civil rights and liberties of all Mississippians. Learn more at [www.aclu-ms.org](http://www.aclu-ms.org).

We will host a training in our office ahead of our 2018 Legislative Advocacy Day on January 23, 2018 at the State Capitol. We can’t wait to see you there!

**AMERICAN CIVIL  
LIBERTIES UNION OF  
MISSISSIPPI  
P.O. BOX 2242  
JACKSON, MS 39225**

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# LEGISLATIVE ADVOCACY DAY

JANUARY 23, 2018 / 8 A.M. - 3 P.M. / STATE CAPITOL  
PRESS CONFERENCE @ 10:30 A.M.



**SAVE THE DATE!**

## ADVOCATING FOR:

- STATEWIDE UNIFORMED BODY CAMERA POLICY
- EQUITABLE OPPORTUNITIES FOR ALL MISSISSIPPI EDUCATORS
- HOUSING AND STATE EMPLOYEE PROTECTIONS FOR THE LGBT COMMUNITY
- EARLY VOTING & ONLINE VOTER REGISTRATION

## STAND WITH US!

AGENDA INCLUDES BREAKFAST, LEGISLATIVE BRIEFING & LOBBY TRAINING, NEWS CONFERENCE, AND VISITS WITH LEGISLATORS.

**RSVP TO [OFFICE@ACLU-MS.ORG](mailto:OFFICE@ACLU-MS.ORG) OR 601.354.3408**

**[WWW.ACLU-MS.ORG](http://WWW.ACLU-MS.ORG)**



## Internal Email Reveals Racism in Madison County Sheriff's Department

BY JOSHUA TOM, LEGAL DIRECTOR

### "Arrested. Black. Male."

These are the words that have been [pre-filled on a cover sheet](#) to the Madison County Sheriff's Department Narcotics Unit's case files. All other fields have been left blank. These words tell the story of racially biased policing in the county that begins before officers even go into the community.

The internal racism of the department represented in this form is just one piece of a larger body of compelling evidence that the sheriff's department has a culture of racism that threatens Madison County's Black community.

In June of 2009, current Sheriff Randall Tucker, while a deputy under former Sheriff Toby Trowbridge, [received and forwarded a racist email](#) titled, "White Pride." It contained the statements, "when I call you Nigger, Kike, Towel head, Sand-nigger, Camel Jockey, Beaner, Gook, or Chink... You call me a racist." The email concludes by encouraging the reader to express support for its sentiments by forwarding it along, which Sheriff Tucker did.

The ACLU of Mississippi, along with its co-counsel at Simpson Thacher & Bartlett LLP and the ACLU's national office, uncovered these and other documents during six months of legal discovery before proceeding to file a motion for [class certification](#) on March 14, 2018, in *Brown v. Madison County*. In the case, we sued Madison County and its sheriff's department for operating a policing program that targets Black people on the basis of race.

The problem, however, runs deeper — much deeper — than racist sheriff emails.

The Madison County Sheriff's Department's policy of racialized policing stretches back at least as far as the prior sheriff's administration. In 2006, Black residents of Canton, Mississippi — a predominantly Black town in Madison County and the county seat — presented a petition bearing 664 signatures to the Madison County Board of Supervisors demanding an end to "frequent roadblocks in the predominantly black neighborhoods" and "racial profiling."

The response? Former Sheriff Toby Trowbridge refused to even meet with the protestors.

Trowbridge denied using racial profiling and vowed to continue using roadblocks as a policing tactic, despite the evidence that they were disproportionately affecting Black people. His casual brushing aside of community outrage dovetails with the casual racism exhibited by the sheriff's department. Tellingly, current Sheriff Tucker later pledged to "maintain the quality of law enforcement that we have under Sheriff Trowbridge," and upon taking office in 2012, officially adopted all of Trowbridge's policies.

The roadblocks and racial profiling continue to this day.

During his deposition in this case, former Sheriff Trowbridge testified about the use of racial slurs at the sheriff's department by MCSD personnel, including by him, and a MCSD patrol supervisor testified

that he has used racial slurs in the course of his duties and had not been disciplined. Far from being punished for racism, the department appears to have institutionalized it.

### "WHITE" Pride

*This is great. I have been wondering about why Whites are racists, and no other race is....*



### Proud to be White

Other evidence and data collected during the discovery phase support the fact that MCSD has a longstanding policy of stopping and searching Black drivers and pedestrians who travel in Madison County on the basis of their race. For example, over 30 people, including the named plaintiffs, submitted declarations explaining their experiences with MCSD that reflect this racism — testimony that corroborates the existence of a racially biased policing program and the department's abuse of authority.

Lawrence Blackmon, one of our named plaintiffs, was tackled, made to lay face down, and then handcuffed at gunpoint after he asked to see a warrant before allowing deputies to enter his home. He asked them to show the warrant. They did not. Instead, they searched his home, looking in drawers and cabinets for a full-grown man they claimed to have a warrant for. [CONTINUE READING ON PG. 2](#)



**"And then there are just Americans. You pass me on the street and sneer in my direction. You call me 'White boy,' 'Cracker,' 'Honkey,' 'Whitey,' 'Caveman'... and that's OK. But when i call you, Nigger, Kike, Towel head, Sand-nigger, Camel Jockey, Beaner, Gook, or Chink.. You call me a racist."**

The evidence of our plaintiffs' personal stories are supported by hard numbers.

Black individuals make up only 38 percent of Madison County's population, but they accounted for 77 percent of all arrests made by the MCSD between 2012 and 2017. In addition, the per capita rate of roadblocks in substantially Black census tracts is nearly double that of predominantly white census tracts.

Sadly, our claim of racially biased policing in the county is not new.

MCSD's racist and discriminatory culture has been felt in communities of color for years. The stories of our plaintiffs and the data analysis support this history of injustice.

The eight named plaintiffs in our case against the county are Black men and women ages 28 to 63 who were unconstitutionally searched, detained, or arrested by the MCSD, sometimes violently. These incidents happened while our clients were going about their daily lives — walking to work, driving in their neighborhood, celebrating with family, or just spending time in their own homes.

The ACLU and Simpson Thatcher are asking the court to certify the lawsuit as a class action and put an end to MCSD's policy and culture of racial discrimination. All residents of Madison County deserve to be treated equally regardless of their race. They deserve justice, and we intend to ensure they get it.

## LETTER FROM THE EXECUTIVE DIRECTOR



The beginning of a new year typically brings with it a renewed hope for better outcomes. The ACLU of Mississippi began 2018

with the same hope, anticipation and expectation for a better Mississippi. We entered the year with progressively minded legislation in hand that would have standardized policing policy when body cameras are deployed, made equitable opportunities for career educators, and increased access for voter participation in our electoral process. We called on the state to commemorate its 200-year history by unfurling freedom for all.

It did not take the Legislature and state leadership long to remind us that this is still Mississippi. We were ready! When legislators

filed bills to codify discrimination, to criminalize association, and to label free speech as terrorism - we fought back. When women's pay equality and personal healthcare decisions became fodder for the "old boys" club, we stood in solidarity with partner organizations.

The ACLU of MS knows that change does not come easily and must be defended. Even when change does come, there are often deliberate efforts to undermine advances that would secure "justice for all." It is this reality that keeps us on the frontline of the fight to protect freedom.

We continue to litigate against unequal treatment in the court systems. When students show solidarity and desire to protest, we prepare them with tools and knowledge to protect their right to peaceful protests. We stood with legislators who understand that innovation and technology can be used as tools of improper

surveillance. We stand with citizens with Mississippians who want to balance protection and privacy by requiring police accountability and governmental transparency.

We remain encouraged, however, because of you! You responded to our call for Liberty Lobbyists by participating in webinars, attending trainings and showing up at the Capitol to advocate alongside us. We cannot stand with our partners or legislators who take the right policy positions without you. We cannot stand against and oppose tyranny without you. As an organization we cannot stand for rights, fairness and justice without you. You have shown us that we don't have to stand alone. You stood with us. Together, we stand determined to make Mississippi a just and equitable state. Thank you for your continued support.

**Sincerely,  
Jennifer Riley Collins**

## ACLU-MS STAFF

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# 2018 Legislative Session Review: All Hands on Deck

BY AISHA CARSON, ADVOCACY COORDINATOR

The ACLU of Mississippi remains your Capitol's watchdog and this year we knew we would need all hands on deck. Our legislative strategy sent all of the advocacy staff to the Capitol to lobby legislators using their specific expertise. With a robust legislative agenda, this year's session was yet another challenge to the rights of individuals in Mississippi. Having the support of the full team made a huge difference.

Our team of advocates took to the State Capitol, promoting nine bills that endorsed freedom, transparency, and equal opportunity and access, and fought back against bills that threaten the rights of people across the state.

### Improved Policing and Criminal Justice Reform

Leading our legislative package was the Body Cams Bill, SB 2283. While not mandating purchase or use of body-worn cameras (BWCs) by law enforcement agencies, this bill would have established standard policies for agencies' use across the state. The legislative initiative was supported by the only statewide analysis of BWC policies that we released at the start of the session. "Striking the Balance: An Analysis of Body-worn Camera Policies in Mississippi" found key gaps in policies across the state and provided recommendations regarding BWC use. Read more about this bill and the report on page 6.

Our team vigorously fought back against SB 2868 – the Anti-Gang Bill – alongside partners, such as the Mississippi NAACP, the Mississippi Public Defender's Office, Families As Allies, and others. We were especially concerned about the bill's overbroad definition of gangs and vague language and the potential harmful effects for juveniles, specifically minority children. SB 2868 would have increased the incarceration rate and costs for the state and diminished

the progress of 2014's HB 585 that has resulted in our prison population decrease. We effectively killed the bill in the Youth and Family Affairs committee.

An amendment to SB 2197 would have also authorized the establishment of mental health courts throughout the state but it did not pass. These courts would reduce counterproductive over-reliance on incarceration to handle mental health patients. We supported the amendment. However, the final bill approved by the governor was simplified to only provide that a person will not be taken into custody when medical assistance has been requested due to consuming alcohol if that person meets certain protocols.

### Equal Opportunities for Educators and Students

Education has been at the forefront of state politics this session, including a major re-write to the controversial MAEP funding formula, the introduction of school vouchers, and a robust debate on school choice. The ACLU of MS stood in solidarity with the education equity coalition, "A Seat at the Table," to actively oppose HB 957 and demand transparency in the rewrite of the education funding formula and equitable funding for all Mississippi school districts. The new funding formula bill was effectively killed in the Senate.

We also sought equity for educators with our proposed HB 753. This amendment would change the qualifications of superintendents to support equal opportunities for educators in low-resourced districts, who are predominantly African American. The current law prevents 98% of African American superintendents from seeking employment in other districts based on their current school accountability rating. Our efforts to amend the law

CONTINUE READING ON PG. 4

to protect educators from stunted career growth died in committee, but we will continue to fight for equity in education for students and educators alike.

### Increasing Access to the Polls

Common-sense voting reforms, including early voting and online voter registration, were also major components of our legislative package. A progressive push to modernize voting systems in the state gained bi-partisan support; however, the bill died in committee. We also supported a bill to study the current disenfranchisement laws that died in the Senate. Mississippi ranks second worst in the nation at disenfranchising its citizens. Our goal moving forward is to mobilize Mississippians to advocate for these measures by directly engaging lawmakers and local elected officials statewide. Modernizing Mississippi's voting system will not only improve access and increase efficiency, but will also help to improve civic engagement and decrease barriers to the polls.

### Equality

We aggressively lobbied to protect citizens from housing discrimination based on their sexual orientation and/or gender identity, but were met with push back from legislators, who said they were unaware of any sort of discrimination, and HB 597 was subsequently killed in committee. We also lobbied for SB 2489, which protected state employees from discrimination based on sexual orientation and/or gender identity. This bill also died in committee but our fervor for protecting LGBTQ rights has not. We will continue to stand in the gap for Mississippians who face discrimination and are not protected by state laws.

*If you or someone you know has experienced discrimination, please contact Malaysia Walker at [mwalker@aclu-ms.org](mailto:mwalker@aclu-ms.org).*

# It's the Law: Bills that Survived the 2018 Legislative Session

## CRIMINAL JUSTICE REFORM



### HB 387

#### DISMANTLES PRACTICE OF DEBTORS' PRISON

- Mississippians can no longer be jailed for failure to pay fees & fines
- Judges must assess a person's ability to pay

#### INCREASES RE-ENTRY

- Parole officers can meet individuals at work or via technology
- Expands parole eligibility for non-violent offenders

#### REDUCES PRISON POPULATION

#### CREATES TASK FORCE TO STUDY CRIMINAL SENTENCES FOR RACIAL DISPARITIES



### SB 2841

GOVERNOR VETOED ON 4/16

#### STOPS STATE FROM SUSPENDING LICENSES

- Related to all drug violations that federal law authorizes unless offense involves driving under the influence
- Traffic violations no longer result in license suspension

#### EXPANDS ALTERNATIVE SENTENCING

- Lengthens time from 30 to 90 days to allow person on supervision or parole to pay fees
- Establishes Parental Accountability Courts
- Provides more discretion to judges in drug courts
- Removes contempt offense for failure to pay fines and fees

#### RE-ENTRY SUPPORT

- Provides protections for employers that removes disincentives for hiring people with a felony record

## EQUAL ACCESS



### HB 1510

#### LIMITS ABORTION TO 15 WEEKS

#### MOST RESTRICTIVE ABORTION BILL IN THE U.S.



*\*Please note this chart is reflective of legislation that is relevant to the ACLU of Mississippi's areas of focus.*



# HIGHLIGHTS FROM THE LEGAL DEPARTMENT

## HOUSE BILL 1523—THE ANTI-LGBTQ LAW

Mississippi is home to the most discriminatory, anti-LGBTQ law in the country. House Bill 1523 allows wide-ranging discrimination against LGBTQ individuals, including in marriage, employment, housing, adoption and health care. Cities, counties and states, as well as foreign countries, have condemned the law and issued travel warnings and travel bans to Mississippi as a result of it. Mississippi's government remains defiant. While a federal district court struck down the law as unconstitutional, the Fifth Circuit Court of Appeals reversed that decision, and the U.S. Supreme Court declined to hear the case. Accordingly, HB 1523 is now the law in Mississippi. However, the Fifth Circuit based its decision on the technical issue of standing and did not rule on the merits of whether the law is constitutional.

It is clear to us at the ACLU of MS and to legal scholars across the country that HB 1523 is unconstitutional. The ACLU of MS continues to work to ensure everyone is treated equally and seeks an opportunity to strike down HB 1523. If you have been discriminated against because you are a member of the LGBTQ community, let us know. Only with your help can we rid our state of this discriminatory and shameful law.

## SCOTUS UPDATE DACA

The Supreme Court refused to hear the Trump administration's appeal of a federal district judge's nationwide injunction that halted the President's decision to rescind the DACA program – a win for the immigrant community. The Trump administration took the unusual move to seek review of the injunction from the Supreme Court before a federal appeals court had decided the issue. The Supreme Court did not bite, so this case as well as the political processes around DACA will continue to roil Washington and the country. DACA temporarily gives protection to immigrants brought to the U.S. as children from deportation and the ability to work.

## GERRYMANDERING

The Supreme Court's decisions in three cases tackling the issue of gerrymandering could literally reshape the American political map. Two cases involve maps in Wisconsin and Maryland, where political parties drew election maps to favor one party over another. The Wisconsin map favored republicans, while the Maryland map favored democrats. Justice Anthony Kennedy, thought to be the pivotal vote in these cases,

has contemplated whether partisan gerrymandering violates the First Amendment rights of voters by retaliating against them for their past support of a party's candidates. A third case out of Texas involves alleged racial gerrymandering – electoral maps that discriminate against people of color.

## WORKPLACE DISCRIMINATION

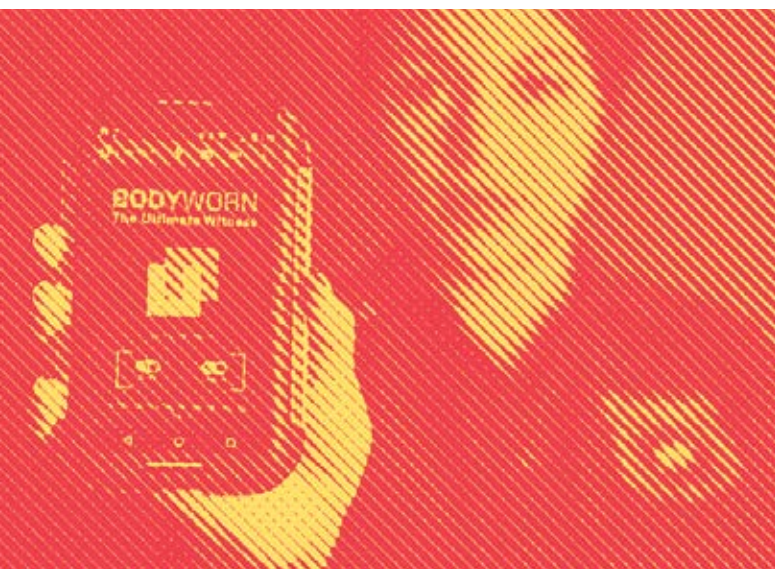
The Second Circuit Court of Appeals ruled that Title VII of the Civil Rights Act of 1964, which bans sex-based discrimination, also bans workplace discrimination on the basis of sexual orientation. The Trump administration had argued that Title VII does not encompass sexual orientation. In a strange turn of events, the Equal Employment Opportunity Commission ("EEOC"), which handles workplace civil rights disputes, had decided that Title VII did ban discrimination on the basis of sexual orientation. The Justice Department under Jeff Sessions took the opposite view, which resulted in the federal government arguing against itself. For now, the EEOC's interpretation has prevailed. The Supreme Court is the Trump administration's only avenue of appeal.

## LEGISLATIVE ADVOCACY DAY 2018

The ACLU of MS kicked off its 2018 Liberty Lobbyists program in early January and culminated its efforts during our Legislative Advocacy Day on January 23, 2018. We equipped about 45 Mississippians with the tools and resources they need to become citizen lobbyists so that they can help us push for equity and justice in state law. Board members, coalition partners, volunteers, and ACLU supporters got the opportunity to meet with their legislator and targeted committee members to lobby for our legislative package.



# The Continued Struggle for Body Cam Policies that Strike the Right Balance



Following a clarion call from the family of Michael Brown, who was killed in August of 2014 in Missouri by Ferguson Police Officer Darren Wilson, a campaign ensued arm police officers with body-worn cameras (BWCs). Since then, more and more law enforcement agencies have acquired body cameras. Yet even in the wake of officer-involved shootings happening across the country and in around Mississippi, we bear witness to law enforcement agencies equipped with body cameras continue to resist transparency and evade accountability.

Throughout this post-Ferguson era, the ACLU of Mississippi has monitored the increasing reports of law enforcement agencies acquiring BWCs. We have consistently maintained that while body cams are not a silver bullet to end police misconduct, they can be part of the solution when adopted alongside policies that effectively balance police protection and citizen privacy. Recording police-civilian encounters can help promote police accountability, but without good policies in place, body cams risk becoming just another surveillance device.

In 2015, we supported legislation that would have mandated body cameras be used by law enforcement and established uniform procedures for their use. During the 2016 and 2017 sessions, we again prioritized legislation standardizing policies and procedures for body cam use.

In early 2017, the ACLU of Mississippi initiated a project to gather and report to the public information on the use of body cams by agencies throughout the state, which led to the publication of [\*Striking the Right Balance: An Analysis of Body-worn Camera Policies in Mississippi\*](#) in January 2018. After filing 147 records requests and collecting and analyzing

65 body cam policies, we determined that Mississippi's police and sheriff's departments using body cameras largely fail to ensure that BWCs are deployed in a way that promotes transparency, accountability, and trust. The report served as an empirical and credible catalyst to revamp our advocacy efforts to pass legislation establishing a statewide policy for BWC use that would carefully balance the needs for promoting transparency and accountability while also protecting privacy.

The report found key gaps in policies across the state, including

- zero require individuals to be notified that they are being recorded;
- less than 20% require officers deactivate the camera when entering a home if the resident requests the camera be turned off;
- no policies provide provisions to protect victims of domestic violence; and,
- most do not lift the activation of BWCs in school settings.

Regrettably, for the fourth consecutive session, the state legislature failed to establish policy parameters for law enforcement use of body-worn cameras. While we are deeply disappointed with the legislature's failure to establish statewide policy, we are pleased that collaboration with government officials at

the county and city level lead to positive improvements in individual policies. Where 64 of the 65 policies analyzed do not require officers to complete initial reports before viewing BWC footage, the Tupelo Police Department does just that. We applaud them for [\*accepting our input\*](#) before undertaking a revision process which led to it.

With our report, residents are equipped with the knowledge necessary to challenge local law enforcement leaders who may attempt to pay lip service to calls for true transparency and accountability while merely using public funds to acquire body cameras that ultimately do nothing more than bolster the agencies surveillance arsenal.

## Decriminalizing Marijuana in Capitol City

Black people are arrested four times as often as white Americans for low-level marijuana possession despite statistics showing roughly equal use, according to an ACLU study that shows disproportionate enforcement of small-scale marijuana possession laws. So when the Council of the city of Jackson announced it was considering a proposed amendment to decriminalize simple possession of marijuana, we called upon the city to consider policy and practice changes that would further the proposal.

Executive Director Jennifer Riley Collins submitted public comments supporting Councilman DeKeither Stamps' proposal, but also asked the city council for two things: ensure that indigent individuals are not simply incarcerated because they cannot afford the fines, fees, and costs associated with the charge; and, deprioritize enforcement against marijuana possession. As a result, the city council unanimously passed the amendment, which reduces fines to \$100 and prohibits jail time for possession of 30 grams or less of marijuana in the city.



## Title IX Presentations

The often-conceptualized image of sexual violence is an unknown stranger lurking in a back alley. In reality, around 90% of women on college campuses know their attackers. They are friends, peers, and in many cases, romantic partners, who use sexual violence as a means of control. Katherine Klein, Equality for All/Equal Access Advocacy Coordinator, conducted a general information presentation about Title IX to the general student body with student athletes about sexual violence during Alcorn State University's sexual assault awareness and prevention week. The discussion explored how a range of actions, from sexual jokes to rape, is considered sexual violence and sexual harassment. For more information about Title IX and sexual assault, visit <http://www.aclu.org/know-your-rights/title-ix-and-sexual-assault>. If you would like more information about having the ACLU of Mississippi conduct a Title IX training for your school, email us at [office@aclu-ms.org](mailto:office@aclu-ms.org).

## Student Protests

On March 14 at 10 a.m., the one-month anniversary of the Parkland shooting, students from across the nation left their classrooms to stand for seventeen minutes outside of their schools. The seventeen minutes represented a minute for each of the lives lost to violence on that day. Some students prayed, some reflected in silence, and some used the time to contact their representatives and demand sensible gun reform. Mississippi students across the state participated in this strong show of solidarity by organizing walkouts at their schools. The ACLU of MS assisted in making sure the organizers knew their First Amendment rights and was on hand to help in case any of the schools tried to violate those rights.

According to the organizers, an estimated one million students participated in National School Walkout Day. Whether you agree with the goals of this movement or not, the collective organizing and social media skills of these young people is impressive, and has certainly accomplished the task of keeping the gun reform debate in the center of the public sphere. This display of students exercising their First Amendment rights goes to show how effective well-coordinated events of civil disobedience can be, and why we must continue to fight for their protection.

### The First Amendment & School Walkouts

The First Amendment protects the right to freedom of speech, expression, and assembly. However, students may face restrictions based on when, where, and how they demonstrate.

While many forms of expression are allowed on school grounds, schools must create a safe learning environment. Acts that are seen as disruptive won't be allowed.

*Even in political situations...*

Missing school without an excused absence is considered truancy, and leaving school grounds without permission may lead to discipline. However, schools cannot punish students more harshly than they would in normal circumstances.

Check your school's policy handbook and weigh the consequences and/or benefits when deciding whether or not to participate in a school walkout.

For more information, see our "Guide for Public Schools Students in Mississippi" on our website. If you feel that your constitutional rights have been violated, you can file a complaint at [www.aclu-ms.org](http://www.aclu-ms.org).

ACLU MS

## Let People Vote

Inclement weather, busy schedules, long work hours, lack of access to transportation are all reasonable issues faced by voters on Election Day. These barriers were evident when Mississippi experienced unusual weather conditions, causing a delay in our voter engagement panel. That is why the ACLU of MS advocated for early voting and online voter registration, common-sense reforms that were the nexus of the "Be Counted" forum at Mississippi College School of Law in

January. Panelists included Senator David Blount, Secretary of State Elections Attorney Kim Turner, and Mississippi NAACP Executive Director Dr. Corey Wiggins. Partners included Mississippi Votes, League of Women Voters, and Women for Progress of Mississippi. Panelists and about 65 participants discussed these voting reforms that are in place in more than 37 states, and have shown to increase voter turnout, make the voting process easier, and save taxpayer dollars. To



learn more about how you can advocate for early voting and online registration, download our Advocacy Voting Toolkit on our Voting Rights Resource Center page at [www.aclu-ms.org](http://www.aclu-ms.org).



# My Experience at the Mississippi Youth Advocacy Summit

BY ZION MORGAN,  
STUDENT

It always makes me happy to see a group of adults come together and invite youth to have a seat at the table when brainstorming on strategies and policies to advance to better the communities, promoting social equality and justice for all. The Mississippi Youth Advocacy Summit, sponsored by the ACLU of Mississippi, HRC Mississippi, and Teen Health Mississippi, did just that. The plan was to reach out to youth all over the state, gather them as a collective, and teach them about their rights and the types of advocacy work they could engage in.

If I had to use one word to describe my experience at the 2018 Mississippi Youth Advocacy Summit, it would be exhilarating. Not only did I find the Summit stimulating, it was also refreshing to witness firsthand a collective of adults who were genuinely interested in educating the youth on the importance of awareness on equality, state laws that affect youth rights, fairness,

and freedom in our respective communities. In addition to providing us with opportunities to advance our knowledge base in a variety of areas, the Summit enabled youth from all over Mississippi to network with each other, with the possibility of bridging gaps to new gateways.

One of the most enjoyable aspects of the Summit was the option to choose the sessions attended and the educational flexibility. This enabled me to not only attend sessions that were geared toward informing students of the rights of an LGBTQ student, but a general sexual education course as well. In the former course, I found out that the ACLU of Mississippi is actively looking for cases that

could potentially help Mississippi's LGBTQ community, the benefits of non-discrimination policies, and the civil rights laws that affect me as a public school student. More importantly, I learned that I was not alone in the fight for youth advocacy.

Overall the 2018 Mississippi Youth Advocacy Summit was an enormous success and I cannot wait to attend next year.



About 30 youth from across the state attended the inaugural Mississippi Youth Advocacy Summit on the campus of Jackson State University. The ACLU of MS educated them on students' rights and the civil rights protections still necessary to fight against discrimination.

## Visibility Helps Push for Trans Rights

BY MALAYSIA WALKER,  
TEAP-MS ADVOCACY COORDINATOR

Transgender Day of Visibility (TDOV) was March 31. It is an international holiday celebrated to bring attention to the accomplishments of trans and gender non-conforming (GNC) people around the globe while fighting discrimination, miseducation, and transphobia. We celebrated the observance by collecting books all month long for the Literacy Achievement Bonanza program for middle and elementary students. We also partnered with G.V. (Sonny) Montgomery VA Medical Center for its LGBTQ+ Resource Fair and volunteered at The Grace House, a non-profit organization that offers housing and support services for homeless men and women living with HIV/AIDS and women recovering from substance abuse.

TDOV presents the opportunity to shine a positive light on trans and GNC people, and to strive for acceptance and support needed within our communities. Although visibility is not enough alone to bring the acceptance our community deserves, we can use visibility as a vital tool to educate the state of Mississippi on the importance of non-discrimination policies and protections for a population that face more egregious treatment from others.

You can help increase this visibility all year long in your own community. Here are just a few ideas:

1. Post trans-specific facts, a photo, or blog on social media using #TDOVMS
2. Take a transgender person to lunch and talk.
3. Donate to TEAP-MS or a transgender organization in your community.

4. Reach out to your state and local elected officials about the need for policy protections.
5. Coordinate public education activities in your communities.

For more information, visit [www.aclu-ms.org/campaigns/teap-ms](http://www.aclu-ms.org/campaigns/teap-ms).



# Did you know...

Mississippi is one of few states that has yet to secure civil rights protections for everyone. Outside of sex discrimination protections for state employees only, you could be fired and denied housing and services, just because of who you are.

## We Are All Mississippi

is a coalition of social justice organizations dedicated to civil rights protections in the state. For the past 3 years, we've introduced the Mississippi Civil Rights Act, and locally we advocate for cities to adopt non-discrimination ordinances.

Mayors and city council members are more likely to listen to their own constituents, so we need your help!



## We Are All Mississippi's Website is LIVE!



Visit [www.weareallmississippi.com](http://www.weareallmississippi.com) to learn how you can help bring local and statewide civil rights protections to Mississippi.



**#WeAreAllMS**

**@weareallMS**



## INTERN SPOTLIGHT



### Courtney Williams

Originally from Hickory, MS, Courtney is a senior at Mississippi College.

Courtney is involved with multiple organizations on campus, including Phi Theta Kappa, Social Justice Club, and Chenoa Social Tribe. She plans to graduate in May 2018 with a degree in Public Relations and hopes to use her career in communications as a way to help build up others. She is also a graduate from East Central Community College with Honors. orientation and/or gender identity.



### Stella Ambassa

A native of Cameroon and Russia, Stella received her law degree in 2014 and a Master's

degree in law in 2015 from the university in Cameroon. She graduated Magna Cum Laude from Mississippi College School of Law with an LLM in American Legal System in 2016.

After graduation, Stella interned with Disability Rights Mississippi and worked as a Law Clerk for McRae Law Firm. She chose to volunteer at the ACLU for the same reason that she went to law school - her desire to defend and protect people's rights.

## Welcome Rakesia Gray, Director of Operations

Rakesia is a native of Waynesboro, MS. She graduated from Belhaven University with a Bachelor's and MBA in Business Administration. She is married and the mother of one son. In her spare time, she enjoys reading, sports, and spending time mentoring teenage girls in her hometown.



Visitors from Thailand visited the ACLU of MS to learn about the TEAP program and our efforts to promote equality and equal access for the LGBTQ community. The struggles faced by the trans community are universal, which makes our work for trans equality that much more important.



President Trump's visit to the opening of the Mississippi Civil Rights and Mississippi History Museums sparked controversy and protests along High Street in downtown Jackson. ACLU of MS Legal Observers were on-hand to ensure the protestors' rights were not violated.



# FREEDOM FOR IMMIGRANTS

BY **ZAKIYA SUMMERS-HARLEE**, DIRECTOR OF COMMUNICATIONS & ADVOCACY



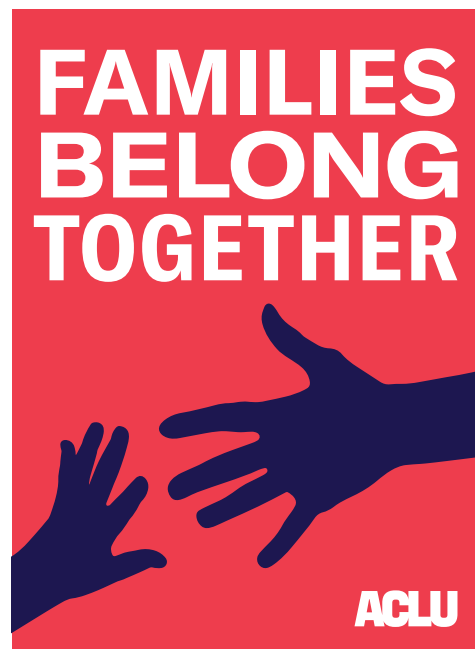
On June 30, 2018, the ACLU of Mississippi alongside several community partners, allies, families, and volunteers took to the streets as part of a national day of action to demand an end to the crisis along the U.S. border.

The #FreedomForImmigrants Rally sent a clarion call to Governor Bryant to demand that he:

- Recall Mississippi National Guard troops from the border;
- Refuse to send any additional troops; and
- Withdraw state support of jailing children and families and forbid the use of future state resources that support the actions of federal entities, including entry prosecutions and detaining families.

Governor Bryant deployed state

National Guardsmen from Tupelo, MS to the border in May. Reportedly, they are to remain until September. The governor has vowed to continue his support of the Trump administration's policy.



But we will not stop fighting until all families are reunited, family detention ends, and the prosecution policy stops.

The ACLU was victorious in its lawsuit to end family separation. However, the crisis is not over until the Trump administration complies with the court's order and all families are reunited.

The attack on Muslims and immigrants at the border is only a way to divide us, and Mississippi should not be a part of this horrible history. We must stand firm.

## What Can You Do to Fight Back?

**Sign our petition** and urge the governor to recall all troops home.

**Know your rights** and share information that protects immigrant communities.

**Contact your Congressperson.**

**Donate** to the ACLU of Mississippi.

There's a lot left to do, but make no mistake: We will win. We only need to keep it up.

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## LETTER FROM THE EXECUTIVE DIRECTOR



# A Commitment to Do the Necessary Work

Recently, a few of the staff and I went to Atlanta to participate in a series of trainings with our colleagues from across the South. It was great to be in the same space, learning alongside, from, and with one another. It was wonderful to feel the energy we shared to fight for justice.

On our drive back to Mississippi, we took a detour for what I thought might be an opportunity for team building. Our alternate path led us to the new National Memorial for Peace and Justice in Montgomery, Alabama. As we walked inside the walls of the memorial dedicated to the legacy of enslaved Black people we were faced immediately with the gravity, the heaviness, the weight of the work we have each chosen. I observed each of the team members reflecting not only on the inscribed words that tell the story of people terrorized by lynching but also on the part we each play in dismantling structural and institutionalized “isms” that codified racial segregation, Black Codes and Jim Crow that still burden impacted communities today.

We all are familiar with the statistics regarding disproportionate representation by African Americans in a system that grew out of the barbaric practices and injustice. We recognize that the over reliance and criminalization of people of color stems directly from the atrocities of the past and continue to deny equitable access to the American

dream to those made most vulnerable by intentional discriminatory policies and practices. It is for this reason, the ACLU of MS has prioritized its criminal justice reform efforts. When citizens encounter law enforcement officers, we want them to have a fair chance. Therefore, we are advocating at the state and local level for policies that require privacy protections, law enforcement agency training, and

guidance for use, retention and storage of recorded data. When a person is detained, we want to make sure they are not locked up simply because they cannot afford bail. And even after conviction, we are continuing to ensure an end to debtors’ prison

practices in Mississippi.

We know that discrimination toward one population leads to discrimination for others. There are approximately 15,000 people living in Mississippi who identify as transgender or gender non-conforming. Transgender and gender non-conforming citizens are however marginalized. No one should be denied a job, a place to live, or access to a public place or business simply because of who they are. Unfortunately, these kinds of rejection are all too common for transgender people. There is much work to be done across Mississippi to make sure that transgender people are visible, accepted, supported, and treated equally under the law. The ACLU of MS’ WAAM Campaign, which

**We know that  
discrimination  
toward one  
population leads  
to discrimination  
for others.**

**COMMITMENT CONTINUES, P. 3**

includes our Transgender Education Advocacy Program, is working to shift the culture in Mississippi and hold our state accountable to values we hold: respect, equality, and acting with decency towards all Mississippians.

Nothing is more critical to ending disparate treatment that participation in the democratic process. It is for this reason that we have continued our efforts to expand voting access in Mississippi. We have continued to advocate for increased voter access in Mississippi, specifically via online registration and early no-excuse voting. We promote and protect voting rights of transgender Mississippians through our ID-Me Project, an advocacy-led program that will provide a step-by-step guide and legal guidance to those seeking name/gender marker changes.

As the staff and I walked through the memorial and the museum, we wept, and made silent commitments to ourselves and to one another that we would continue to do the necessary work. We know this work is not over as we watch on television the images of children torn from their mother's arms at the border and held in cages. We know there is work yet to be done. We know we can only do it by standing with you and you with us.

Together, we must resist the re-emergence of the atrocious vestiges of the past. Our America and our Mississippi must be a safe and welcoming place where we are all treated fairly, afforded justice, and have equitable access to opportunity.

Sincerely,  
Jennifer Riley Collins

# Masterpiece Cake Shop and HB 1523: Where are we now?

BY JOSHUA TOM, LEGAL DIRECTOR

One of the U.S. Supreme Court's most anticipated cases to be decided during the summer of 2018 was *Masterpiece Cakeshop v. Colorado Civil Rights Commission*. This case presented the issue of whether a baker could refuse

on religious grounds to bake a cake for a same-sex couple's wedding. The Colorado Civil Rights Commission said the baker's refusal was discrimination against the same-sex couple. The Supreme Court reviewed this decision and reversed it in a 7-2 decision.

Many hoped that the Supreme Court would re-emphasize their holding in *Obergefell v. Hodges* and continue to affirm the rights of the LGBT community. Others wanted the Supreme Court to protect a person's ability to refuse to engage in conduct that purportedly violates their sincerely held religious beliefs. Instead, the Supreme Court passed on the core issue and decided the case on other grounds. In short, the Supreme Court punted.

*So the question remains: what ability do people have to use religion to discriminate against LGBTQ individuals?*

In Mississippi, the answer is possibly a great ability. Mississippi's HB 1523, which went into effect last year, could allow wide ranging discrimination against LGBTQ individuals and others on the basis of religious belief. We will have to wait for a future case to know the Supreme Court's answer



to this question.

In the majority opinion in *Masterpiece*, Justice Kennedy wrote that wherever the balance between gay rights and religious freedom may lie, it is clear that the government cannot base its

decisions in hostility to religious views and instead must enforce non-discrimination laws fairly and neutrally. The Supreme Court said the Colorado Civil Rights Commission showed animosity towards religion, and thus its decision must be overturned.

While Justice Kennedy, in his opinion, framed the issue as a balance to be struck, it is clear that Mississippi has not attempted to balance any interests. Instead Mississippi has tipped the scales with the force of law sharply in favor of religious liberty at the expense of equal rights for LGBTQ individuals.

While a reliably conservative vote on the Supreme Court, Justice Kennedy nevertheless often acted as the "swing" vote, holding the ultimate decision on many important issues, including gay rights. Justice Kennedy authored each of the Court's landmark gay rights cases. We can only hope the Justice who replaces him follows in the footsteps of Justice Kennedy by having an open mind and a commitment to an evolving Constitution.



# HIGHLIGHTS FROM THE LEGAL DEPARTMENT

## RACIAL JUSTICE

### Brown v. Madison County Update

The ACLU of Mississippi along with its co-counsel at Simpson Thacher & Bartlett LLP continue to vigorously litigate on behalf of Black residents and visitors of Madison County against the Madison County Sheriff's Department. Both sides will file a last round of briefs regarding summary judgment and class certification in July 2018, and then it will be the Court's time to decide how the case will proceed. This litigation provides a rare opportunity to finally bring about change in policing in Madison County.

## EQUAL ACCESS

The ACLU of MS sent a demand letter to a local school district, challenging a discriminatory practice of not allowing a transgender student to access the bathroom at one of its contracted agencies. Upon receipt of our demand, the district change its policy and practice.

## PRIVACY

### Carpenter v. United States

The Supreme Court handed down a landmark opinion in *Carpenter v. United States*, ruling 5-4 that the Fourth Amendment protects cell phone location information, and thus the government needs a warrant based on probable cause to access this information. In an opinion by Chief Justice Roberts, the court recognized that location information—collected by cell providers like Sprint, AT&T, and Verizon—creates a “detailed chronicle of a person's physical presence compiled every day, every moment over years.”



In 2011, without getting a probable cause warrant, the government obtained several months' worth of cell phone location records for suspects in a criminal investigation in Detroit. For one suspect, Timothy Carpenter, the records revealed 12,898 separate points of location data—an average of 101 each day over the course of four months.

ACLU attorney Nathan Wessler, who argued the case before the Supreme Court said, “[t]he Supreme Court has given privacy law an update that it has badly needed for many years, finally bringing it in line with the realities of modern life. The government can no longer claim that the mere act of using technology eliminates the Fourth Amendment's protections. Today's decision rightly recognizes the need to protect the highly sensitive location data from our cell phones, but it also provides a path forward for safeguarding other sensitive digital information in future cases — from our emails, smart home appliances, and technology that is yet to be invented.”

## MUSLIM BAN

### Trump v. Hawaii

The Supreme Court in a 5-4 decision sided with President Trump over his travel ban, seen by many as a discriminatory immigration policy implemented as part of his promise to ban Muslims from the country.

In the majority opinion, Chief Justice Roberts wrote that the ban was “squarely within the scope of Presidential authority under the INA,” referring to the Immigration and Nationality Act.

In one of two dissenting opinions, Justice Sonia Sotomayor — who was joined by Justice Ruth Bader Ginsburg — said the court's decision “fails to safeguard” the “principle of religious neutrality in the First Amendment.”

Many drew comparisons between this decision and the Supreme Court's 1944 decision in *Korematsu v. United States* in which the Supreme Court upheld the government's decision to put Japanese Americans in internment camps during World War II. That decision is seen today as one of the most shameful chapters in U.S. history.

# NO MUSLIM BAN. EVER.

**ACLU**

# CAMPAIGN FOR SMART JUSTICE

BY AISHA CARSON, ADVOCACY COORDINATOR

The 2018 Legislative session marked one huge victory for Smart Justice in the state of Mississippi through the adoption of HB 387. HB 387 will help those who have served their time for misdemeanor and non-violent crimes re-enter the workforce while also ensuring that people who cannot afford to pay fees and fines are not criminalized for being poor. This new law serves as a win for smart justice reform and it creates efficiency and equity in local and state government by reducing incarceration costs and providing judges with discretion to establish payment plans for those who cannot afford to pay their fines. By alleviating debtors' prison practices and enacting policies



that support indigent defense, the state is taking a strong stance against the inequitable practice of jailing poor people and protecting their constitutional rights while also decreasing the burden of incarceration costs on taxpayers.

Moving forward, the affiliate will continue to push Smart Justice Initiatives across the state including fighting back against pre-trial detention and seeking an end to cash bail for low-level offenses. The ACLU of MS will also continue to monitor courts across the state for unconstitutional practices and support any state or local effort to create re-entry support for those returning to our communities.

## SEEP

The Educational Opportunities work of the ACLU of MS encompasses legislative and advocacy goals centered on improving equity in Mississippi school districts, specifically for students with disabilities. Launching this fall, the Special Education Equity Project (SEEP) will provide resources and training to parents of students with disabilities through a specially designed toolkit. The toolkit will not only help parents navigate the school system and protect the rights of their child, but it will also inform them of the services, discipline plans, and evaluations needed to help support



their child in the least restrictive learning environment.

In addition to providing resources and public education to parents, SEEP also includes a legislative focus on repealing laws that unjustly push special education students out of school. Leading up to the 2019 legislative session, we will release a report, which chronicles the disparate impact of suspensions and expulsions for students with disabilities. Based on our findings, the report will recommend how local and state leaders can ensure that students with disabilities rights are protected and receive fair and adequate access to public education.

## Laurel Community Update



In local communities across the state, there are victims of police brutality and unconstitutional policing. As seen through many reported instances, in both Madison County and Jones County, communities of color often experience occupation of their neighborhoods, subjected to roadblocks and surveillance.

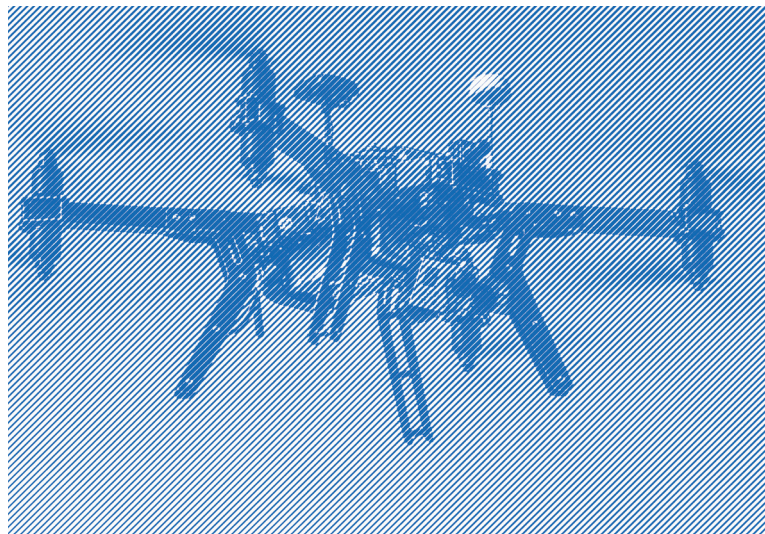
Following a brutal act of police brutality in the Laurel community, community members reached out to the ACLU of MS to host a Town Hall informing citizens of their rights involving law enforcement. In partnership with the Laurel-Jones County NAACP, we hosted a Know Your Rights Training which helped to inform local citizens of their rights and unconstitutional police practices, and how to lobby local leadership to enact change through policy.

The goal of the ACLU of MS is to equip communities with knowledge so that they can identify when their rights are being violated and help them mobilize to create change, both at a local and state level.

We will continue to work with the Laurel Community to push for BWC policies and other model law enforcement policies that create accountability and transparency amongst the community.



# TECHNOLOGY & PRIVACY



During the 2018 Legislative Session, the Mississippi Legislature failed to adopt a standard statewide body-worn camera (BWC) policy. Based on our research showcased in [“Striking the Right Balance: An Analysis of Body-worn Cameras Policies in Mississippi,”](#) the lack of standard policy in Mississippi does not provide clear accountability and transparency for local communities. However, after the legislature’s failure to adopt a standard policy based on our recommendation,

the advocacy staff has taken on grassroots efforts in local communities. We are engaging local police chiefs, city council members, and community leaders about the importance of adopting policies that protect citizen’s privacy and include provisions for access and police accountability.

We will continue to push for statewide adoption of standard BWC policy based on our recommendations as well as engage

local leaders on the importance of adopting BWC policies at a local level. Communities can also talk to their local leaders to do the same using the information outlined in our report.

We have also written a letter to the city of Vicksburg, which has announced acquisition of drone technology, that advises regarding privacy concerns and recommends guidelines to protect and involve its citizens.

## LEGISLATIVE ADVOCACY DAY JANUARY 24, 2019



**SAVE THE DATE!**



## Securing Civil Rights Protections in Your Community



Only two cities in Mississippi, Jackson and Magnolia, have passed non-discrimination ordinances.

A non-discrimination ordinance (NDO) makes clear that your city values the entirety of its community. An NDO will protect all individuals from discrimination in employment, housing, and public accommodations, such as restaurants, hotels, and bars.

“What happens is that everyone who comes to Magnolia feels welcome. They feel protected, and they don’t feel discriminated against,” said Mayor Anthony Witherspoon after the city council in his town passed an NDO. See his full interview by scanning the QR code above with your smartphone camera.

You can help advance an NDO and secure civil rights protections in your community. Download our NDO toolkit and help fight for equal rights for all Mississippians. Visit [www.aclu-ms.org/we-are-all-mississippi](http://www.aclu-ms.org/we-are-all-mississippi).

# I Too Am Mississippi Storytelling Project

BY ZAKIYA SUMMERS-HARLEE, DIRECTOR OF COMMUNICATIONS & ADVOCACY



Shaun has dealt with so many obstacles as a transgender man. He says he presses through the cruelty and isolation because the “T” in LGBT means more than transgender. It means truth. He’s looking forward to matching his ID to his true identity via the TEAP-MS program so that he can vote for the first time without fear.

For Alicia and her daughter, Dee, transgender is not a lifestyle choice or a phase, but a person with equal human rights. The ID ME pathway has helped Dee look in the mirror with confidence, knowing now that she can face the world with matched identification.

Fiona is on the frontlines of advocating for a non-discrimination ordinance in Hattiesburg, MS, the place she calls home. She says creating an inclusive community provides a place that everyone can be proud of.

For the first 60 years, Stephenie suppressed who she was, contending with the fact that her physical characteristics did not match her true gender identity plus the societal stigma that comes along with that. The TEAP-MS program has given her a platform to advocate for trans rights. Jensen shares his story with all who

will listen because he says it is one of triumph and truth. He says the ACLU of Mississippi has treated him like family and provided the tools and education that are important for the trans community to live equitably in society.

These are the stories of “I Too Am Mississippi,” an oral history project that elevates the voices, faces, and lives of Mississippi’s transgender citizens by building a bridge between the sociological perceptions and the individually-lived realities.

This project challenges the restrictive narratives about who belongs and who gets to participate fully. It seeks to stimulate conversation across the state, and increases understanding of the toll discrimination and institutionalized barriers plays on human lives.

I Too Am Mississippi will include short films detailing the lives of the abovementioned trans Mississippians, pop-up displays, and a catalog booklet. The ACLU of Mississippi is planning to host the full exhibit and town talks in various museums and on college campus throughout the state this summer. Stay tuned to our website and social media channels for the full schedule and further details.

# FIGHT FOR FREEDOM: CALL FOR SUBMISSIONS

BY ZAKIYA SUMMERS-HARLEE, DIRECTOR OF COMMUNICATIONS & ADVOCACY

There is power  
in expression.

There is power in art.

We are speaking truth to power by inviting art activists to express what freedom means to you through various mediums in our Fight For Freedom Art Competition. This competition will lead to our premiere event – “Fight For Freedom: an art show and garden party in support of the ACLU of Mississippi” - on Monday, September 24, 2018 at the Mississippi Museum of Art in downtown Jackson, MS.

**The deadline for submissions is August 20, 2018. No late entries will be accepted.**

This art-centered event will focus on different interpretations of freedom and the importance of fighting for the rights of all Mississippians, with the goal of bringing together freedom fighters and artists in order to create a better Mississippi.

**For more information, please visit [www.aclu-ms.org/fight-for-freedom](http://www.aclu-ms.org/fight-for-freedom) or scan the QR code on the poster.**



**FIGHT FOR FREEDOM  
ART COMPETITION**

**CALL FOR  
SUBMISSIONS**

**VISUAL ART AND CREATIVE WRITING**

**THEME: WHAT DOES FREEDOM  
MEAN TO YOU?**

ACCEPTING VARIOUS FORMS  
OF VISUAL ART & ESSAY,  
SPOKEN WORD, AND POETRY.  
SELECTED PIECES WILL  
SHOWCASE AT THE  
MISSISSIPPI MUSEUM OF ART  
ON SEPTEMBER 24, 2018  
DURING THE ACLU OF MS  
FUNDRAISER.  
FOR FULL DETAILS, VISIT  
[WWW.ACLU-MS.ORG/  
FIGHT-FOR-FREEDOM](http://WWW.ACLU-MS.ORG/FIGHT-FOR-FREEDOM)  
OR CALL 601.354.3408.  
**DEADLINE: AUGUST 20, 2018**



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**ACLU**  
Mississippi



## INTERN SPOTLIGHT

### Nicholas Oo



grew up in Taipei, Taiwan and recently finished his first year at Yale Law School. Nicholas joined the ACLU of Mississippi as a

2018 Summer Intern in the Legal Department because he wanted to learn more about litigating for civil rights, as he is interested in creating structural change so that we can all live in a more just society. Nicholas has a variety of interests in civil rights work, including criminal justice reform, free speech, and government transparency & accountability, all of which he explored in the work he did at the ACLU of Mississippi.

### Bailey McHale



is a second year undergraduate student at the University of California-Berkeley, studying political

science and public policy on a pre-law track. She is a Jackson native and graduated from St. Andrew's Episcopal School.

### Jonathan Springer



has served as an intern at the ACLU of Mississippi since May 2018. He is a graduate of St. Andrew's Episcopal School

and is currently a junior at Millsaps College, studying accounting and pre-law. His career goals include working in law and politics to protect civil liberties.

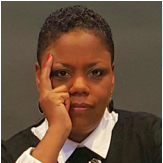
# MEMBERSHIP CONFERENCE SPOTLIGHT



Executive Director Jennifer Riley Collins and Director of Communications and Advocacy Zakiya Summers participated in the **ACLU Membership Conference: You Belong Here** in Washington D.C. It was an opportunity to reignite and elevate the masses of membership and affiliate staff to solidify the people power needed to fight back injustices and promote equity.



The **2018 Legislative Score Card** is out. See the 131 bills we tracked last session and find out how your legislator voted on the bills that had floor action. Use this legislative resource as a tool to hold your legislator accountable to equity and inclusion in Mississippi.



LETTER FROM THE EXECUTIVE DIRECTOR

# A FRONT ROW SEAT

BY JENNIFER RILEY COLLINS

A sitting United States Senator recently reminded Mississippi and the country that “a front row seat to a public hanging” and voter suppression are very real. These comments not only invoke memories of a dark past but also remind us, especially when made by an elected governmental official, that these unfortunately remain very present threats to equality, equity, and liberation.

When Senator Cindy Hyde-Smith made these reprehensible comments, the ACLU of MS and the National ACLU together made the decision to not only condemn hateful speech – which is no joking matter – but to also seize the opportunity to address ignorance as a teaching moment. The ACLU saw this moment as our responsibility to hold ourselves – and all of our elected officials – accountable for our words and actions in order to learn from our past. Jeffery Robinson, ACLU Deputy Legal Director and the Director of the Trone Center for Justice, provided a rich and engaging lecture that took a factual look at the history of racial violence and discrimination in Mississippi and



in America and at the direct correlation of history to current policies that disparately impact communities of color.

We cordially invited and reserved a front row seat for sitting Senator Cindy Hyde-Smith as we believed this could be a moment for education and an opportunity for the duly appointed and now elected Senator to show sincere regret. That front row seat, however, remained empty.

The ACLU of MS, which was founded in 1969 in the shadows of the Civil Rights Movement, understands the implications of racialized policymaking that have led to structural and institutionalized racism. This racial justice lens informs what we work on and how we approach that work. Disparate treatment results in the fact that 65 percent of Mississippi’s male prison population are Black men, harsh discipline practices affect racial minority students at alarmingly disproportionate rates, and the wider wage gap for women of color all directly stem from racialized policymaking.

These are the reasons, as we approach our 50 Year Anniversary, we remain

committed to our efforts to protect and increase access to democratic participation through our “Let People Vote” campaign. We continue to advocate for smart criminal justice reforms with the intent of reducing Mississippi’s prison population by 50 percent by 2025 through our Campaign for Smart Justice. Our efforts ensure all Mississippians are treated with dignity regardless of wealth, gender identity or sexual orientation. Our other campaigns include our We Are All Mississippi Campaign, the Housing Not Handcuffs Campaign, and our Educational Opportunities Campaign.

As we continue our advocacy, we are grateful for members and supporters like you. We invite you to take a front row seat and to become an engaged participant in our determination to make Mississippi better!



**FIGHT FOR FREEDOM  
VISUAL ART COMPETITION  
1ST PLACE WINNER:  
TRAP SENSES P. 9**





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**Shalonda Spencer**  
ADVOCACY COORDINATOR

**Jensen Matar**  
TEAP-MS ADVOCACY COORDINATOR

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## INTERN SPOTLIGHT



**Angela Payne**, a native of Nashville, TN, is a University of Mississippi grad and a current student at Mississippi College

School of Law with just one more year to go. Angela worked as a legal intern during the summer, and now serves as the president of the MC Law ACLU Chapter. After graduation, she says she plans to return to Nashville and hopes to work with the ACLU of Tennessee or as a public defender.



**Amber Malone** is the Public Policy and Social Justice Intern. She obtained a bachelor's degree in International

Studies and French from the University of Mississippi and a diploma from the Centre Internationales des Etudes Francaises. After undergrad, she taught English as a Second Language (ESL) in France for two years. She joined the ACLU of Mississippi to have an active role in eliminating structural barriers that impede progress in Mississippi and to learn how to use tools for equity with intention and humility. Passionate about immigration and socio-cultural studies, she is interested in studying intergovernmental organizations. She plans to pursue a Master's of International Affairs and, ultimately, a career as a policy analyst.

## WELCOME NEW STAFF



**Cynthia Goodloe Palmer** joined the ACLU of Mississippi in July 2018 as the Operations & Administration Specialist.

Cynthia also serves as the Executive Director of the Veterans of the Mississippi Civil Rights Movement, Inc. and as the Secretary of the Student Non-violent Coordinating Committee (SNCC) Legacy Project Board. Previously, she served as the Executive Director of the 50th Anniversary of the Freedom Summer Reunion and the 50th Anniversary of the Freedom Rider Reunion. She is the Founder of the Canton

Gospel Music Association, which has awarded 138 music scholarships to students in Madison County since 2004. Cynthia is a recording artist with four albums. She is a recent recipient of the 2018 Mississippi Gospel Music Awards "Women in Gospel Making Things Happen" award. She attended Tougaloo College and currently lives in Jackson, MS.



**Michael Ann Galliano Oropeza** joined the ACLU of Mississippi as a Litigation Specialist in September 2018.

Michael Ann has an extensive history as an advocate for immigrants' rights and social justice. She previously served as the Director of Immigration Clinic with Catholic Charities, Inc. and as a Divisional Director with Catholic Charities, where she was also responsible for the Parish Social Ministry, Disaster Relief, Health Ministry and the Northeast Office. An entrepreneur, Michael Ann is a contract paralegal specializing in immigration and domestic work. She is a native of Clinton, Mississippi and graduated from the University of Southern Mississippi. While social justice is her passion, her most important role is raising her two strong daughters.



**Shalonda Spencer** is the Advocacy Coordinator for ACLU of Mississippi, where she focuses on the affiliate's criminal justice reform and

voter rights centers of work. Prior to ACLU, Shalonda served as the Policy Coordinator for Mississippi Black Women's Roundtable. Before returning to Mississippi, she served as a Legislative Assistant for the United States House of Representatives and as a Foreign Policy Analyst for Mennonite Central Committee while in Washington, D.C. Shalonda is graduate of Jackson State University, earning a Bachelor's degree in Criminal Justice and a Master's degree in Public Policy Administration. She is a member of Mississippi Federation of Democratic Women, Hinds County Democratic Executive Committee, and Zeta Phi Beta Sorority, Inc.

Our Vote Smart Justice campaign did not begin nor end with the U.S. Senate race. That's because justice remains at the forefront of Mississippi policy. Here are the facts:

- Per capita, Mississippi ranks third nationally for the number of people imprisoned.
- Our state's prison population has grown nearly fivefold since 1980.
- 1 in 30 Black men were imprisoned in Mississippi in 2016.
- More than 12,000 people are serving time in county jails, and the majority of them (56%) have not yet been convicted and are awaiting trial.
- Mississippi spent \$327 million on corrections in 2015.

There are too many people behind bars, and many of them should not be there in the first place. Mississippi's addiction to prison prioritizes harsh sentencing and wealth-based incarceration to hold people accountable. This obsession is too heavy a burden on communities, families, and taxpayer dollars. Although, reforms like HB 585 and last session's HB 387 have helped to reduce the prison population and make Mississippi safer, we still have a long way to go.

In September, we released a report with recommendations that could lead to a 50-percent reduction in Mississippi's prison population. [The Blueprint for Smart Justice](#) is a comprehensive analysis of factors that contribute to mass incarceration that includes reforms for ending our overreliance on incarceration.

Some of those key reforms include:

- Urgent efforts focused on bail reform, an evaluation of prosecutorial practices, sentencing reform for burglary offenses, and increasing access to alternatives for incarceration for drug-related offenses.
- Taking state prison time off the table for low-level drug and property offenses and reducing them to misdemeanors.

- A comprehensive approach to reform the state's extreme minimum and maximum sentencing laws as well as sentence enhancements for people with prior convictions.

The Blueprint has served as a tool to engage activists, advocates, and policymakers on the need for transformational change to the criminal justice system. This has led to the organization of the Smart Justice Coalition, which includes social justice advocates from across the state working toward reducing the jail and prison population and combating racial disparities in the criminal justice system.

## BECOME A VOTING RIGHTS ADVOCATE

Join our first ever activist-led voter engagement campaign. As an advocate you will:

- ☐ PROTECT THE RIGHT TO VOTE
- ☐ EXPAND ACCESS TO THE BALLOT
- ☐ EDUCATE PRO-CIVIL LIBERTIES VOTERS

I am an  
**ACLU Voter**

Mississippi has a long and troubled history with voting, and many - like those with a criminal record or those whose ID don't match their gender or gender expression - still experience significant barriers to voting today. With an army of Advocates on the ground in communities across the state, we can ensure thousands more Mississippians have access to voting.

**TO BECOME AN ADVOCATE**  
email office@aclu-ms.org

Likewise, we understand that in order to make these reforms a reality, we also must increase efforts around voter education and voter engagement in a way that holds players in the criminal justice system, like prosecutors and judges, accountable to support alternatives to prison and address systemic racial bias. Our Let People Vote coalition, made up of like-minded partners that advocate for voter rights and expanded access, are helping to lift up the need for ballot access for pretrial detainees, early voting, and online voter registration policy initiatives. One important partnership that came out of the coalition was an effort with Mississippi Votes, which included a massive radio and digital ad campaign that encouraged people to register to vote and provided assistance if they had

any questions.

As we look ahead to the 2019 Legislative Session as well as the 2019 election cycle for state and county offices, we must continue to change the politics surrounding mass incarceration, elevate these issues, and create a political environment where decarceration is a priority.



## Defending Your Right to Vote

The ACLU of MS protected voter rights during both the general and run-off elections this November as part of Election Protection, a statewide coalition that works to break down barriers to the ballot box and troubleshoot Election Day errors. The 1-866-OUR-VOTE hotline is a non-partisan effort that fields hundreds of calls to assist voters at the polling place.



# STILL FIGHTING FOR PROGRESS: A LOOK AHEAD AT THE 2019 LEGISLATIVE AGENDA

BY ZAKIYA SUMMERS, DIRECTOR OF COMMUNICATIONS & ADVOCACY

## LEGISLATIVE SCORE CARD

## HOW'D YOUR LEGISLATOR VOTE IN 2018?

**HOLD THEM ACCOUNTABLE FOR EQUITY & INCLUSION IN 2019**

**VISIT [WWW.ACLU-MS.ORG](http://WWW.ACLU-MS.ORG) TO LEARN MORE**

The 2019 Mississippi Legislative Session is the finale to the legislators and governor four-year term before we head into state elections. We remain steadfast as your government's watchdog, and will advocate for smart justice reforms that rid the state of wealth-based incarceration, advocate for a statewide policy for law enforcement use of body-worn cameras, promote access to democracy for pretrial detainees and all Mississippians, and lobby for state civil rights protections for all. Here is a look ahead at the ACLU of Mississippi's 2019 Legislative Agenda.

### ENDING CASH BAIL

Money bail is one of the most corrupt and broken parts of the justice system. It lets the size of a person's wallet determine whether a person can return home or stay locked up in jail while awaiting their day in court. These are persons who have been accused, but not convicted of a crime. This unfair and unjust system

punishes those who are not wealthy even before they have had a chance to defend themselves in court. The consequences are tremendous. People lose their jobs, their housing, and even their families. More than half of the 12,000 people held inside Mississippi county jails have not been convicted of a crime.

The presumption should be no bail and release on personal recognizance. However, when bail is necessary, it should only be imposed when no other conditions will ensure public safety or appearance in court and an assessment of a defendant's ability to pay has been performed.

We are advocating for an amendment that will ensure pretrial liberties to non-violent misdemeanors, help save taxpayer dollars, and provide autonomy to judges to reasonably determine the most effective way to ensure public safety and for the accused to return to court.

### LET PEOPLE VOTE BY EXPANDING ACCESS

We are advocating for three separate bills this session that expand access to pretrial detainees, rural voters, college students, and all Mississippians.

Absentee voting in Mississippi is so complex, and quite frankly, is not reflective of the way most people live. During the 2018 election cycle, we also found out that absentee voting, while legal for those who have been detained and not convicted of a disenfranchising crime, is unavailable. In fact, Mississippi makes it nearly impossible to vote by absentee when behind bars.

Absentee voting requires an application with reasons allowing voters to swear by affidavit why they will be away from their polling precinct on Election Day, and it must be notarized. Without a category that specifically addresses registered and eligible voters who are detained in

**STILL FIGHTING CONTINUES, P. 5**

their own county and waives the notary requirement, thousands are de facto disenfranchised.

We are advocating for an amendment to the voting rules that both inserts a clause for those detained pretrial and removes the required notary.

The 2018 midterms exemplified the need for expanded voting opportunities. Many voters were unable to cast a ballot simply because they missed the voter registration deadline due to an outdated paper system that requires a stamp or hand delivery. Others, many who were college students, stood in line for up to four hours to cast an absentee ballot on the Saturday prior to Election Day. We are asking the state legislature to let people vote by implementing no-excuse early voting and online voter registration.

### **LAW ENFORCEMENT USE OF BODY CAMS REQUIRE COMPREHENSIVE POLICY**

Our report, [Striking the Right Balance](#), showed that local law enforcement policies around usage of body-worn cameras were inconsistent and filled with holes. For example, some policies allow officers to review footage before they write their report. Other policies do not include provisions for privacy on school grounds, in domestic violence incidents, or in individuals' own homes. There have been numerous incidents where body cams have failed due to gaps in policy.

Body cams have proven to be beneficial and can be a win-win for both community and police, but only when properly used alongside strong policies. That is why we are advocating for uniformed, statewide guidelines so that all agencies

using body cams are operating with transparency, accountability, and privacy rights at the forefront.

Women make up 52 percent of the state's population, yet they have no state civil rights. No one does. The

## LEGISLATIVE ADVOCACY DAY

JANUARY 24, 2019 / 8 A.M. – 3 P.M. / STATE CAPITOL  
PRESS CONFERENCE @ 10:30 A.M.



**ADVOCATING TO:**

- END CASH BAIL
- ESTABLISH A STATEWIDE UNIFORMED BODY CAMERA POLICY
- LET PEOPLE VOTE WITH VOTING FOR PRETRIAL DETAINEES, EARLY VOTING & ONLINE VOTER REGISTRATION
- PROTECT ALL MISSISSIPPIANS WITH THE MISSISSIPPI CIVIL RIGHTS ACT

**SAVE THE DATE!**

**STAND WITH US!**

AGENDA INCLUDES BREAKFAST, LEGISLATIVE BRIEFING & LOBBY TRAINING, NEWS CONFERENCE, AND VISITS WITH LEGISLATORS.

RSVP TO [OFFICE@ACLU-MS.ORG](mailto:OFFICE@ACLU-MS.ORG) OR 601.354.3408

**ACLU**  
Mississippi

[WWW.ACLU-MS.ORG](http://WWW.ACLU-MS.ORG)

### **WOMEN AND YOU NEED STATE CIVIL RIGHTS**

We celebrated Equal Pay Day back in April alongside the Mississippi Women's Economic Security Initiative, by lifting up the need for gender pay equity. During that convening, we were reminded of the startling disparities. Women are paid 76 cents for every dollar paid to men, and for black women the pay is even less at 56 cents. Women in the room asked about the legal recourse women can take when they're faced with discrimination but are afraid to speak out because they're trying to hold on to the little income or because they cannot afford an attorney. The answer, unfortunately, was that there is no legal recourse at the state level because Mississippi state law does not protect women.

Mississippi Civil Rights Act would provide those necessary rights to all who live here. It is time we stop putting prejudice over progress.

### **LIBERTY LOBBYISTS**

The ACLU of Mississippi staff, while strong and mighty, cannot push this legislative agenda alone. We depend on citizen advocates to help us lift up the need for these policies as we work together to make Mississippi a more just and free state for all.

We offer the Liberty Lobbyist program, which provides the education you need in order to talk with your legislator and help lobby them for support of this agenda. If you are interested in being a part of this program, please send us an email to [office@aclu-ms.org](mailto:office@aclu-ms.org).



## HOUSING NOT HANDCUFFS CAMPAIGN

In partnership with the National Law Center on Homelessness & Poverty and as part of a national campaign, the ACLU of MS sent letters to 16 of the largest cities in Mississippi demanding that they repeal unconstitutional panhandling ordinances. Housing Not Handcuffs comes on the heels of the 2015 Supreme Court decision, *Reed v. Town of Gilbert*, which afforded greater protections to the First Amendment right of free speech. Being homeless and asking for help are not crimes, but anti-panhandling ordinances essentially punish both. By working actively with cities, three have repealed in whole or in part their unconstitutional anti-panhandling ordinances, while



several others are in the process of repeal. We will continue fighting for the rights of the homeless. We need to address the sources of the problem, rather than the symptoms, by providing services such as shelter and job training rather than moving people along, citing and arresting them.

Anyone affected by these unconstitutional laws should contact the ACLU of Mississippi. Learn more and see the letter sent to Jackson's mayor at [www.aclu-ms.org/panhandling](http://www.aclu-ms.org/panhandling).

## PATRICK BEADLE HIGHLIGHTS MISSISSIPPI'S CONTINUING WAR ON DRUGS AND PRACTICE OF MASS INCARCERATION

Medical marijuana is legal in 33 states. Recreational marijuana is legal in ten. A Pew Research poll from September found that 62% of Americans support marijuana legalization. Canada recently legalized recreational marijuana nationwide. Meanwhile, in Mississippi, a court sentenced Patrick Beadle, a 46-year-old father, son and musician, to 8 years in prison without the possibility of parole for possessing 2.8 pounds of marijuana while driving through Madison County. In Oregon, where he is from, Mr. Beadle would have likely received a fine. Mr. Beadle unfortunately exemplifies the starkly disparate ways states are approaching marijuana policy.

A Madison County Sheriff's Deputy pulled over Mr. Beadle, who is black, for allegedly crossing a lane line. The ACLU of MS, along with its co-counsel Simpson Thacher & Bartlett and the ACLU, sued the Madison County Sheriff in 2017 for racially discriminatory policing, including for making traffic stops on the basis of race. Mr. Beadle's arrest is sadly consistent with the claims in that lawsuit.

### THE TARGETED CITIES INCLUDE:

Jackson

Gulfport

Southaven

Meridian *Repealed*

Greenville

Olive Branch

Horn Lake

Clinton

Ridgeland *Repealed*

Starkville *Amended*

Vicksburg

Pascagoula

Brandon

Clarksdale

Natchez

Greenwood

**ACLU**  
Mississippi

While many states have acknowledged the devastating effects of the “war on drugs” and mass incarceration on communities and individuals, and adjusted their laws accordingly, Mississippi continues to embrace these failed policies. Instead of continuing to use our state’s scarce resources to incarcerate people for years for possessing marijuana, Mississippi would be better served re-routing resources to any of the other areas in dire need of funding in our state.

Our lawsuit against the Madison County Sheriff’s Department is ongoing, and Mr. Beadle is appealing his conviction.

## MISSISSIPPI’S 15-WEEK ABORTION BAN FOUND “UNEQUIVOCALLY” UNCONSTITUTIONAL

Since 2010, states have passed more than 400 restrictions on access to abortion. Politicians are competing to see which state can be the first that is abortion free.

As a part of this effort, Mississippi passed a law last legislative session that banned abortions after 15 weeks. On November 20, 2018, Federal District Court Judge Carlton Reeves ruled that this law “unequivocally” violated the U.S. Constitution and permanently enjoined it from being enforced.

The Mississippi legislature knew when it passed this law, Governor Phil Bryant knew when he signed it, and Judge Reeves knew when

he found it unconstitutional, that banning abortions after 15 weeks was in clear violation of decades-old U.S. Supreme Court precedent. Mississippi passed a law that it knew was clearly unconstitutional, and asked Judge Reeves to disregard binding Supreme Court precedent, in its ongoing effort to overturn *Roe v. Wade* and ban abortions in Mississippi. These “disingenuous calculations,” as Judge Reeves called them in his November 20 Order, cost Mississippians a tremendous amount of their scarce taxpayer dollars.

Mississippians should tell their elected officials to stop passing unconstitutional laws and wasting our tax dollars defending them in court.

**ACLU**  
Mississippi

## 2019 Equity Agenda



## THE 2019 EQUITY AGENDA

This agenda provides Mississippi leadership clarity regarding goals that will create a more equitable state, and guidance to help this state avoid policymaking that perpetuates structural racism. This agenda seeks to help us come together around clear solutions that build a different narrative.

The ACLU of MS will publish a Legislative Score Card at the end of the 2019 Legislative Session. The Score Card will highlight “Champions” of Equity and Inclusion. It will also educate the public regarding the record of legislators who fail to ensure racial, cultural, and economic justice for all Mississippians.

Learn more at [www.aclu-ms.org](http://www.aclu-ms.org).



# TEAP-MS CONTINUES TO CHALLENGE THE NARRATIVE

BY JENSEN MATAR, TEAP-MS ADVOCACY COORDINATOR



In November, we paused to remember those lives lost due to violence simply because they choose to live in their authentic identity. The ACLU of MS's Transgender Education and Advocacy Project (TEAP-MS) chose Transgender Month of Remembrance as a time to lift up those lives in a way that raises awareness and sends out a call to action to fight hatred, discrimination, and indifference. So, we say the names of Diamond Stephens, a black transgender woman who was shot to death on June 18 in Meridian, and the 22 other trans lives lost so far in 2018.

We also continue our efforts to educate and advocate on behalf of the transgender and gender non-conforming (GNC) community in Mississippi. The advocacy-driven program focuses on strategies that reduce discrimination faced by the transgender community through coalition building, leadership development, public education and strategic communications, and direct lobbying. TEAP-MS is an integral part of the We Are All Mississippi (WAAM) Campaign, which pursues inclusion and works to create a state where we are all treated equally under the law.

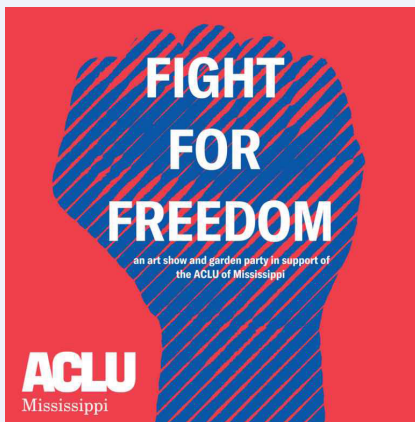
This past summer, TEAP-MS initiated an oral history project entitled, [I](#)

[Too Am Mississippi](#) (ITAM) in an effort to challenge the narratives about who belongs and who gets to fully participate. ITAM brings to life the real stories of five transgender Mississippians. In addition to sharing my story, we also meet Shaun, Alicia, Fiona, and Stephenie. Our personal stories enable others to explore commonalities we all share and better understand the human toll of discrimination. In October, the video stories, pop-up displays, and catalogs of ITAM premiered in Tupelo, MS at the Elvis Presley Birthplace during the city's first-ever Pride celebration. Following the showing, community members engaged by asking questions and sharing tools the Tupelo community can use to do their part in ensuring a more inclusive Mississippi. ITAM made its way through the state at various events and locations such as the pre-pride events in both Hattiesburg and Gulfport, and later at the University of Southern Mississippi for a gender studies class. TEAP-MS looks forward to collaborating with many more institutions, organizations, and community members to elevate the lives of the transgender community and educate the state of Mississippi through ITAM showings in next year.

## ID ME

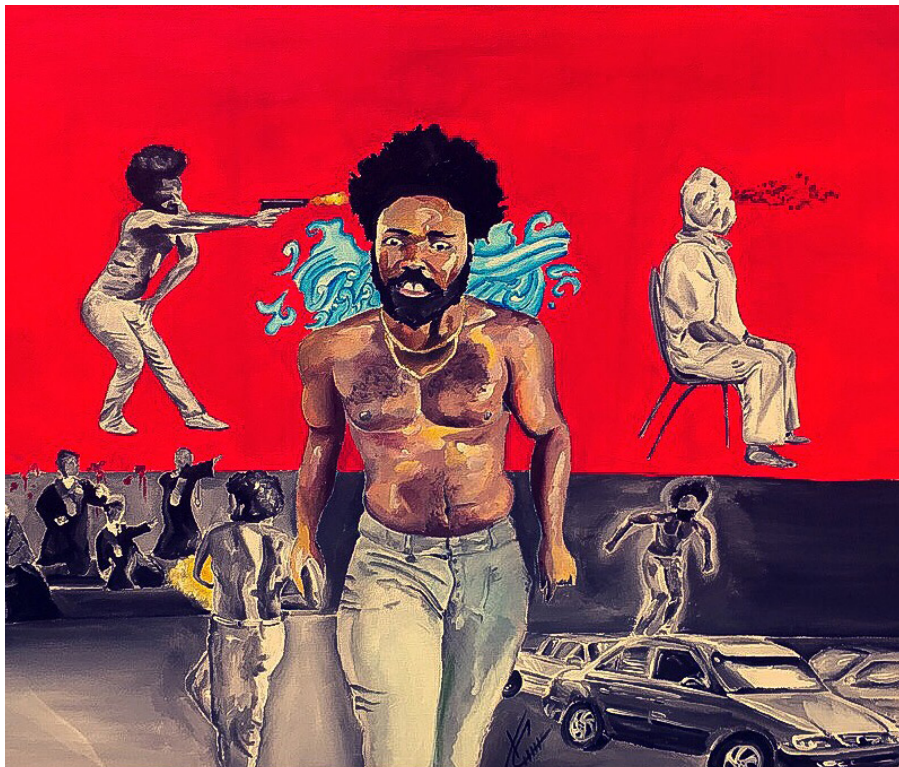
While Mississippians were gearing up to participate in the mid-term elections, thousands of transgender voters likely stayed at home because they do not possess photo ID that accurately reflects their gender. The Williams Institute reports that the state's strict voter ID law impacts at least 5,300 transgender people in Mississippi. TEAP-MS's ID ME Project provides a solution. By helping members of the trans and GNC community gain identification that matches their identity, we reduce barriers around voting. TEAP-MS is available to help trans and GNC Mississippians overcome this barrier as we are committed to ensuring that that every voice is heard and every vote is counted.

TEAP-MS continues to advocate for policy protections in the form of local non-discrimination ordinances, protections in housing and for state employees as well as the Mississippi Civil Rights Act through the legislature. Our growing coalition of trans members and allies is helping TEAP-MS to achieve its goals and take the program to the next level in 2019.



We took an artistic approach to our annual fundraiser this year. We called for visual art and creative writing submissions as part of the Fight for Freedom Art Competition. We received 11 visual art pieces, which included paintings, graphic design, a sculpture and mixed media. We received eight creative writing pieces including poetry, spoken word, and essay. The competition culminated with our art showcase and garden party at the Mississippi Museum of Art, featuring Southern Komfort Brass Band and a robust silent art auction.

## FIGHT FOR FREEDOM VISUAL ART COMPETITION 1ST PLACE WINNER: *TRAP SENSES*



### ABOUT THE WORK

Trap Senses derived from the controversial imagery shown in Donald Glover's music video, This Is America. There is a course of bold bright colors that guide the movement of the piece. Childish Gambino (top left) fires a gun in which causes the man's head, top right, to expel blood across the remainder of the painting. A choir is fired upon which is a visual illustration of the 2015 mass murder at a church in Charleston, SC (bottom left). The painting concludes with Gambino gracefully dancing on top of vehicles (bottom right). This serves as a depiction of the reoccurring, mind-

tarnishing violence experienced by African Americans in America today. The black community is plagued most because people of color are still heavily scorned in America. Despite the portrayed maelstrom, the narrative suggests that in the midst of it all, those not immediately affected opt to remain absent-minded in response to the calamity surrounding them.

### ABOUT THE ARTIST

Born in Jackson, MS, Xavier Carroll, a young, emerging African American artist ventured into the arena of art at a young age and continues to sharpen his skills in present day. He has been recognized locally and nationally for his lifelike, tranquil paintings, along with his captivating pen and color pencil work. Inspired by Leonardo Da Vinci and Chuck Close, Carroll's work focuses primarily on the human figure, and is galvanized by the perfections and imperfections of women.

Currently, Carroll attends Tougaloo College, where he majors in Art Education. Additionally, he continues to invest in his craft by composing works inspired by day-to-day interactions, as well as commissioned works. Carroll has been awarded numerous scholastic awards, including the Martin Luther King Jr. Art Poster Contest and the recipient of the Golden and Silver Key awards sponsored by the Eudora Welty Foundation. Carroll strives to become a world-renowned artist and art educator with ambition to shape the next generation of artists.

**FIGHT FOR FREEDOM** CONTINUES, P. 10



# FIGHT FOR FREEDOM CREATIVE WRITING 1ST PLACE WINNER: *FREE?*



## ABOUT THE WORK

“Free?” is a spoken word piece meant to not define what freedom is, but more so what it is not. Today’s social and economic climate is ripping away veils of faux freedom and really showing the blatant divide of America, minority and non-minority.

## ABOUT THE ARTIST

A graduate of Mississippi College, Sham Williams is a writer, blogger, philanthropist, activist, and lover of all things culturally fulfilling. Sham runs two local non-profit organizations (The Maresa Williams Foundation and Modern Social), has been a feature in Boom Jackson’s Young Influential’s profile and nominated for Leadership Greater Jackson. She is a published poet, having two works published in the Black Magnolias Literary Journal. She also has numerous articles on the global website prsuit.com, a feature expose on latoyahart.com, and two contributing commentaries on the Huffington Post Blog. Recently, Sham finished her first young adult novel. Her digital resume can be found on her blog at [www.shamwilliams.com](http://www.shamwilliams.com).

## FREE?

Allow me to introduce myself

Rather, allow me to define myself

To target myself

To label myself

To assert myself into your commonwealth.

Although, I do not come from your kind of wealth.

I am a product of your common fare, your welfare and your unfair practices.

Your justifications of a better life

Met with strife and despair and ramifications to the lesser heir.

Hi, I am the minority.

I am the black.

I am the gay.

I am the woman.

I am the lesser paid.

I am the underserved.

I am the one not worthy of god’s love.

I am free.

But what does that even mean?

What is the legacy of those before me?

Why does the earth grown miserably underneath me?

And the trees sway in the winds of the sighs of breaths taken by those who have gone to nest.

I can pass the brown paper bag test.

I can speak in tones that put slang to rest.

I am free.

But freedom lies only in this moment for me.

The absence of subjection, of injection, of rejection.

But where’s the protection?

For Trayvon Martin?

For Michael Brown?

For Tamir Rice?

For all the lives unfound to have been taken for any reason but one.

So before you offer yourselves a pat on the back or a high five for progress, consider the slack.

One nation. Under God. Indivisible.

Freedom and justice is supposed to be for all.



## LETTER FROM THE EXECUTIVE DIRECTOR

# “I am glad the ACLU of Mississippi is here.”

BY JENNIFER RILEY COLLINS

Dear ACLU of MS  
Members and Supporters,

While many Mississippians ended 2018 in a bit of a daze after the U.S. Senate races, the ACLU of Mississippi, however, did not have the luxury of being stunned. The 2019 legislative session was looming and we knew we had to be prepared to operate in both an offensive and defensive mode. We prepared our legislative agenda and were ready.

We proposed legislation that would end the injustice of wealth-based incarceration. Mississippi’s current pre-trial detention and bail processes disproportionately penalize and target Black people and those who are economically disadvantaged, jeopardizing their families, jobs, and homes while they await justice. We elevated the interconnection of the need for bail reform and barred access to participate in democracy for pre-trial, not yet convicted, detainees. We educated and advised legislators and stakeholders on the importance of expanding access to the ballot box. Mississippi is one of a handful of states that has not implemented online voter registration nor early no excuse voting. During the ACLU of MS’s response to the 2019 State of the State address, we called on legislators to take action on bills that would positively impact freedom, justice and equity in our state. In response, we heard repeatedly, “This is an election year, so we are not going to take up anything controversial.”

Nothing could have been further from the truth.

There was a refusal to recognize that gender justice demands that women receive equal pay for equal work. There was an all-out assault on women’s reproductive freedom. On the same day federal officials introduced the “Equality Act to Close Gaps in Federal Non-Discrimination Protections,” state officials pushed forward a Constitutional Convention to restrain the federal governmental actions. With a final deceptive tactic, state officials robbed public school teachers of a minimal pay increase, putting at risk the public education and economic opportunity of the children of this state. The ACLU of Mississippi was there working with our partners to oppose these bills.

The Capitol is not the only place we showed up as the year began. We responded when the City of Jackson announced it would deploy surveillance technologies to fight crime. We cautioned the mayor and other city officials against utilizing body-worn cameras and other surveillance technologies before devising a policy that ensures residents are included in the decision-making process. When Tremont Attendance Center’s prom registration form required all guests must be ‘of the opposite sex,’ we quickly reminded the Itawamba County School District that such a rule violates the right to free expression guaranteed by the First Amendment of the U.S.

Constitution. In addition, we warned that any policy prohibiting same-sex couples from attending prom or school dances would have equal protection implications. The form was changed. Also, because of our strong relationships with community partners, we organized a press event in 24 hours to call on legislators to reject a constitutional convention resolution that would deepen the political divide and put at risk our civil rights and civil liberties.

Some bad laws were passed, and even more could have gone unchallenged. I shudder to think what Mississippi would be like if the ACLU of Mississippi were not here. A small staff of warriors, who are committed to justice, fairness and equal treatment under the law, is accomplishing this work and so much more. None of it can be done without your support. That is why I am asking you to join me in saying “I am glad the ACLU of Mississippi is here!”

Resistance is important in the current divisive environment, but we must also take offensive action to preserve freedom. In recognition of the affiliate’s tireless efforts over the last 50 years and to ensure we are here for the next 50, please give a special \$50.00 donation to help us continue this fight forward for freedom.

**JENNIFER RILEY COLLINS**  
EXECUTIVE DIRECTOR



# LIFELINE OF CRIMINAL JUSTICE REFORM DURING THE 2019 #MSLEG

BY ZAKIYA SUMMERS, DIRECTOR OF COMMUNICATIONS & ADVOCACY

Mississippi leaders took a step forward in criminal justice reform with House Bill 387 during the 2018 session. We applauded the effort, but we knew that much more work needed to be done. We began to lay the groundwork to compel state leaders to continue efforts that help bring more justice back into the criminal legal system.

In September 2018, we released the *Blueprint for Smart Justice*, which provided the state of the criminal legal system in Mississippi and provided some needed reforms to reduce the jail and prison population by 50% while also reducing racial disparities. Mississippi ranks 3rd with the highest incarceration rate in the nation. Black men make up 65% of the male prison population.



## Legislative Advocacy Day 2019

Liberty Lobbyists from across the state joined us for our annual Legislative Advocacy Day. We kicked the day off with a lobbying training. Then we broke off into three activities: a mock meeting with a senator, poster writing in support of our equity agenda, and filling jars with rocks to indicate the heavy burden of the average number of days in pre-trial detention due to the inability to afford bail. Afterwards, we convened at the State Capitol for our news conference, followed by one-on-one meetings with legislators.

We were excited to be invited to the Criminal Justice Reform Summit hosted by Governor Bryant and fwd.us because it showed great bi-partisan interest in

putting forth measures during the 2019 session that would continue strides forward. The governor's support for the federal First Step Act made us feel secure that he would not hold up efforts that save taxpayer dollars, promote public safety, and deprioritize incarceration as a sentencing option. After all, the state is spending \$350 million in corrections cost.

Meanwhile, we developed the Coalition for Smart Justice, a diverse coalition of like-minded organizations centered on a collective effort to reduce the use of pretrial detention and to eliminate wealth-based incarceration. Our target: bail reform.

Based on our analysis of state corrections data, we found that 14 out of 25 individuals held in county jails across Mississippi have not been convicted of a crime. They are languishing behind bars because they can't afford bail. The inability to pay bail puts individuals at risk of losing their jobs, their home, their family, and even their lives. Right before the holidays, Lanekia Brown, charged for a nonviolent offense in Madison County, died after sitting 27 days in jail on a \$1 million bail. She was four weeks pregnant. Her story and the data exemplified the need to take a front-end approach. It is important that we keep people out jail in the first place who pose no risk to society.

The whole purpose of bail is to secure appearance in court, not to punish those too poor to pay for their freedom. So, we aggressively advocated for bail reform in the form of HB 949 and 1081. Both bills were killed in committee. Yet, we know that a bill is never dead until SINE DIE.

## HB 1352 includes bail reform...sort of

Through many talks and hours upon hours of meetings and negotiating, we were able to convince legislators to amend HB 1352 to include bail language. What came out of conference, however, was a much more diluted form of bail reform.

HB 1352 gives discretionary power to judges to determine how bail is set. So, the legislation may allow people charged with misdemeanors to avoid jail time because of the inability to afford bail, but it includes several requirements before they can be released on their own recognizance, and does not make provision for an ability to pay hearing. This is especially problematic because without a standard procedure,

bail could be implemented in a way that does more harm than good.

House Bill 1352 – the Criminal Justice Reform Act - is reentry reform. It removes certain barriers that make it harder for people to return to the community after leaving the prison system. It is good legislation, but here again, it is limited to people already incarcerated.

Here are some of the pros of the bill:

- Expands the state's drug court system into intervention courts that provides mental health, veterans support, and other types of drug interventions.
- Eliminates mandatory suspension of driver's licenses over control substance violations unrelated to driving a vehicle and for unpaid fines and fees.
- Stops the practice of not allowing people with drug convictions to receive workforce training and nutrition assistance.
- Extends time from 30 days to 60 days to allow people released on parole or probation more time to find a job before they must start paying supervision fees.
- Allows judges to help more people get old convictions removed from their records.

However, HB 1352 will still require individuals to pay off all fines and fees associated with convictions before those offenses can be expunged from criminal records. In addition, individuals only get one expungement, although it can be used for multiple offenses tied to one event.

Let's be clear: HB 1352 will not reduce Mississippi's prison population.

HB 1352 does not include any sentencing reforms. Reducing the amount of time people serve, even by just a few months, can lead to thousands of fewer people in Mississippi's prisons.

The bottom line is that if Mississippi really wants to be the leader on criminal justice reform, state leaders must include reforms that help drive down our state's prison and jail population to include bail, sentencing, and supervision. Re-entry reform is important, but we cannot continue to take a back-end approach and be satisfied without doing something to address the drivers of incarceration.

*Please see the next page for a list of bills that passed.*

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# It's the Law: Bills that Became Law in the 2019 Legislative Session

## SCR 596 – CONVENTION OF THE STATES RESOLUTION

### CRIMINAL JUSTICE REFORM



#### HB 1352

##### CRIMINAL JUSTICE REFORM ACT

- Removes certain barriers for reentry
- Expands state's drug court system



#### SB 2781

##### MISSISSIPPI FRESH START ACT

- Removes any automatic bars to occupational licenses due to prior felony conviction.



#### SB 2141

##### CREATES TERRORISTIC THREAT OFFENSE

- Creates a new crime with an automatic 10-year sentence
- Criminalizes crude speech

### EDUCATION



#### HB 654

##### SCHOOL BOARD ELECTIONS

- Requires runoff election in county school board trustee elections if no candidate receives majority of votes cast



#### HB 1182

- Prohibits corporal punishment in public schools to discipline students with a disability

### VOTER REFORM



#### SB 2237

##### INELIGIBLE FOR PUBLIC OFFICE

- Automatically disenfranchises citizens convicted of certain crimes from qualifying as a candidate

### VOTER REFORM (CONTINUED)



#### SB 2030

##### RESIDENCY REQUIREMENTS FOR ELECTIONS

- Codifies residency requirements for city and county offices at 2 years, and 5 years for transportation and agricultural commissioners and district attorneys

### EQUALITY



#### SB 2328

##### FORENSIC MENTAL HEALTH ACT OF 2019

- Aligns with the criminal rules of procedure
- Provides constitutional protections for individuals charged with a felony and deemed incompetent to stand trial due to a mental health issue



#### SB 2116

##### "HEARTBEAT" BILL

- Limits a woman's right to make her own personal reproductive healthcare decisions
- Bans most abortions once a fetal heartbeat can be detected, typically at about six weeks

### FREE SPEECH



#### SB 2922

##### MEAT LABELING BILL

- Prohibits the labeling of plant-based, like veggie burgers, and cell-based meat, thereby censoring speech
- Unnecessary as federal law already prohibits false or misleading labels

Please note this chart is reflective of legislation that is relevant to the ACLU of Mississippi's centers of focus.



# DECRIMINALIZING MARIJUANA

BY LONDON THAMES, STAFF ATTORNEY

We have continued the fight to decriminalize marijuana by speaking to the Hattiesburg City Council about an ordinance that would reclassify simple possession of marijuana (30 grams or less) to a citation. The maximum penalty would be just a fine instead of jail time. The proposed ordinance is very similar to the ordinance we helped to get passed by the city Jackson in 2018.

Every **1.07 hours** someone in Mississippi is arrested for having marijuana; a Black person is **3.85 times more likely** to be arrested than a white person.\*

Drug offenses are the primary driver of Mississippi's bloated prison and jail population, and marijuana laws in Mississippi have generated some of the most striking racial disparities. In Mississippi, a black person is almost four times more likely to be arrested for marijuana possession than a white

person, despite approximately equal rates of use. Those arrests not only can have an irreversible impact on the person arrested, marijuana arrests overwhelm court systems and waste taxpayer dollars. Mississippi's criminal justice system should use its vital resources to protect its people from serious and violent crimes, instead of ruining the lives of non-violent marijuana users.

**"They stop you, profile you, and then they lock you up to support the system."**

Patrick Beadle's case highlights the need for Mississippi to reevaluate its marijuana policies. Beadle, a 46-year-old father, son and musician, was sentenced to 8 years in prison without the possibility of parole for possessing 2.8 pounds of marijuana, legally purchased in his home state, while driving through Madison County. In Oregon, where he is from, Beadle would have likely received a fine for possessing a quantity of marijuana over the legal limit.

A judge recently threw out Beadle's conviction for drug trafficking and Beadle was allowed to enter a guilty plea to simple possession of drugs. He was re-sentenced to 12 years in prison, and will be eligible for parole in three years. Even still, Beadle, a non-violent offender, will be forced to serve prison time for marijuana he legally purchased. Only because of Mississippi's addiction to prison is Patrick Beadle serving jail time at all.



Scan this QR code with your smartphone camera to watch Mr. Beadle's mom testimony, sharing her experience with the criminal legal system in Mississippi.

**33**

states, the District of Columbia, Guam, and Puerto Rico have legalized medical marijuana

**10**

states plus the District of Columbia have legalized recreational use of marijuana

**62%**

of Americans support marijuana legalization, according to a September 2018 Pew Research poll.



# HIGHLIGHTS FROM THE COURTS

BY JOSHUA TOM, LEGAL DIRECTOR

## CURTIS FLOWERS, TRIED SIX TIMES FOR MURDER, APPEARS BEFORE THE U.S. SUPREME COURT

The prosecution of Curtis Flowers for the 1996 shooting deaths of four people in Winona, MS made its way to the U.S. Supreme Court in March of 2019. Justices are determining whether racial bias played a role in the sixth trial. That trial, which included eleven white jurors and one black juror, resulted in Flowers' conviction.

District Attorney Doug Evans has tried Flowers six times for the murders. Four of the trials resulted in a guilty verdict. However, the Mississippi Supreme Court overturned three of those verdicts, two times for prosecutorial misconduct and once for unconstitutionally striking jurors on the basis of race during jury selection. Two trials ended in a mistrial, as the jurors could not come to a unanimous decision.

During oral argument in March, the U.S. Supreme Court signaled that they

were likely to rule in Flowers' favor. Chief Justice John Roberts referred to the case as "extreme," and the attorney arguing the case for the state of Mississippi admitted the case's history was "troubling." Indeed, in Flowers' sixth trial, 41 of 42 potential black jurors were struck during jury selection.

The Mississippi Supreme Court upheld Flowers' conviction from his sixth trial, holding that there had been no racial discrimination in jury selection. The U.S. Supreme Court appears poised to reverse that holding.

## STATE CONTINUES EFFORT TO RESTRICT OR ELIMINATE ABORTION

Governor Phil Bryant signed a bill into law that bans abortion once a fetal heartbeat is detected, which is usually around six weeks into pregnancy. Many women do not know they are pregnant at six weeks. Under long-standing U.S. Supreme Court precedent, states cannot ban abortion before fetal viability outside the womb, which is usually

around twenty-four weeks. After he signed the bill, Governor Bryant told reporters that he fully expected to be sued.

Last year, Mississippi passed a fifteen-week abortion ban, which a federal court quickly declared unconstitutional. Several other states, including Georgia and Tennessee, are considering similar laws. Iowa and Kentucky passed similar "heartbeat" laws, but courts declared those laws unconstitutional.

Abortion opponents, emboldened by the new conservative majority on the U.S. Supreme Court, are making a concerted effort to pass overly restrictive abortions laws hoping one of them makes its way to the Supreme Court. Once there, the wish is that the justices will overturn *Roe v. Wade* or allow additional restrictions on abortion rights. *Roe v. Wade* is the Supreme Court case decided 46 years ago, which found the Constitution protected a woman's decision to have an abortion.



## LEGAL UPDATES

### BROWN V. MADISON COUNTY, MS

The ACLU of Mississippi, and its co-counsel, Simpson, Thacher & Bartlett and the ACLU, continue to press the purported class-action lawsuit against Madison County and its Sheriff. The judge originally assigned to the case, Judge William Barbour, assumed inactive status early this year. The case was re-assigned to Judge Carlton Reeves.

### PROM DATE RULE DISCRIMINATORY

The Tremont Attendance Center, a school in the Itawamba County School District, required that dates

to its upcoming prom be "of the opposite sex," a requirement written twice on the school's two-page prom registration form. Itawamba County School District in 2010 cancelled prom rather than allow student Constance McMillen wear a tuxedo or bring her girlfriend. The ACLU sued and won in Constance's case. Shocked to see the same school district engaging in the same discriminatory policies, the ACLU released a media statement condemning this "opposite sex" policy and demanding the school change it. Within a day, the school backtracked and issued a revised form removing the "opposite sex" language. The school

claimed the requirement for "opposite sex" dates was not discriminatory.

### MISSISSIPPI RANKS 20TH WITH HIGHEST STUDENT ARREST IN THE NATION, NEW REPORT REVEALS

Recently, the ACLU released *Cops and No Counselors: How the Lack of School Mental Health Staff is Harming Students*, an analysis of federal data that examines the first state-level student-to-staff ratio comparison of mental health personnel and law enforcement in schools. The data is not surprising.

[LEGAL UPDATES CONTINUES, P. 6](#)





## LEGAL UPDATES (CONTINUED)

The ACLU of Mississippi has been a champion of children's rights, historically advocating for policies that keep students safe inside schools. Through several reports, we have illuminated the extreme and destructive approaches to school discipline that have harmed students, families, and the community at-large. We have pushed back on efforts to put school resource or law enforcement officers inside schools minus standard training and clear policies that inform their role and responsibilities. We led an advocacy campaign to minimize the use of restraint and seclusion techniques, which the state department of education eventually established a policy in 2016. In addition, we led the Sunflower County Systems Change Project to create narrative change

for young men and boys of color and to establish restorative justice approaches as school policy that would decrease the number of youth court referral cases.

The data strongly suggests that much more work needs to be done. In Mississippi, there are more law enforcement and security guards inside Mississippi schools than nurses, psychologists, and social workers combined. More law enforcement presence leads to a more threatening school climate, and the most vulnerable students funneled into the school to prison pipeline. As a result, students with disabilities and students of color are disproportionately sent into the criminal system.

There are, however, steps that can be taken to provide students with the supports they need.

### RECOMMENDATIONS

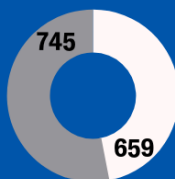
- Increase funding for student support services, including mental health staffing and programming. Prioritize education funding for student support services over law enforcement.
- Ensure that all schools have at least the recommended staff-to-student ratios for each school-based mental health staff, including as counselors, psychologists, social workers and nurses.
- Provide equal protection for students, ensuring that school discipline and law enforcement involvement is not administered unfairly or in ways that discriminate against students of color, students with disabilities, or others who may face disparate discipline (i.e., LGBTQ students).
- Ensure that law enforcement officers are provided with comprehensive and appropriate training on critical topics, such as child/adolescent development, implicit bias, and de-escalation tactics.
- End practices like school arrests and law enforcement referrals that criminalize youth for common adolescent behaviors, including misdemeanors like disorderly conduct.
- Adopt school codes of conduct that reject zero tolerance policies for more appropriate, child-centered responses to challenging behavior.

Read the full report at [www.aclu.org/copsandnocounselors](http://www.aclu.org/copsandnocounselors).



**The glaring deficit of mental health staff combined with the growing use of law enforcement in Mississippi schools is unacceptable.**

Law Enforcement & Security  
Guards  
53.1%



Nurses, Psychologists, Social  
Workers  
46.9%

**Keep our students safe and out of the school to prison pipeline.**

Learn more at [www.aclu-ms.org/publications/copsnocounselors](http://www.aclu-ms.org/publications/copsnocounselors)

# We Must Include the Transgender Community in the Gun Violence Prevention Movement

BY MARY HELEN ABEL, MISSISSIPPI CHAPTER OF MOMS DEMAND ACTION FOR GUN SENSE IN AMERICA



International Transgender Day of Visibility was on March 31, and with it came a chance to increase awareness for a critical issue in the transgender community: gun violence. Though gun violence prevention is incredibly important to me, I didn't know anyone who identified as transgender and did not fully understand the impact gun violence has on the transgender community.

In April of 2018, I became the leader of the Mississippi chapter of Moms Demand Action for Gun Sense in America, a bipartisan grassroots movement of Americans fighting for public safety measures that can protect people from gun violence. That same month, we began to plan for Gun Violence Awareness Day, our biggest event of the year. We know that all marginalized groups are disproportionately affected by gun violence and including voices from many of those communities in our speaker line up was paramount in the planning process. I reached out to the ACLU of MS's Transgender Education and Advocacy Program (TEAP) and was introduced to the program's Coordinator, Jensen Luke Matar. Not only did Jensen agree to speak, but he

also helped plan the event, eventually joining our leadership team and ultimately becoming a dear friend to my family.

It's one thing to intellectually know the facts: at least 26 transgender or gender non-conforming people were killed nationwide in 2018, at least 18 of the victims were killed with guns, and at least 22 victims were women of color. It is an entirely different thing to know that my friend is at greater risk of being a victim of gun violence simply because he chooses to be visible as his authentic self.

This year, March 31 meant something different to me. On that Sunday, I celebrated Jensen, the estimated 13,650 other Mississippian adults and 1,600 Mississippi youth who identify as transgender or gender-nonconforming. And just as Jensen joined Moms Demand Action as an ally for gun safety, my family and I joined Jensen on Sunday as allies of TEAP and the Mississippi Human Rights Campaign for a community beautification project. As we planted flowers in the colors of the trans flag and celebrated the visibility of our trans neighbors, we did so knowing

that that visibility comes with risks: risks of discrimination, risks of hatred and risks of violence.

Gun violence is a complex issue that affects all of us, though it affects different communities in different ways. As a heterosexual, cisgender, middle class, white woman, gun violence greets me unexpectedly—when a friend dies by suicide by gun or a school like one my children might attend becomes the latest scene of a mass shooting. Meeting Jensen opened my eyes to how this complex social issue impacts the trans community.

The truth of gun violence is that none of us can hide from its impact; not in the middle and not on the margins. Now, I am committed to ensuring that as we advocate for gun safety and common-sense gun legislation in Mississippi, we take extra care to make sure the transgender community is included in the conversation. Together, we are working to make Mississippi a safer place for all, where no one lives in fear of gun violence.

*Mary Helen Abel is a member of the TEAP-MS Coalition. This op-ed originally ran in the Clarion Ledger.*





## TRANS UNITY

ACLU of MS & TEAP collaborated with The Spectrum Center for a Trans Summit in Hattiesburg, MS in January. TEAP Advocate Jensen Matar (front row, center) provided information about the Mississippi Civil Right Act proposal, how to engage with policymakers, and the ID Me Project, which helps individuals match their identification with their identity.

We have been working in partnership with The Spectrum Center and local activist Hannah Stratos (front row, 3rd from the left) to get the Hattiesburg City Council to pass a non-discrimination ordinance to provide local civil rights protections inclusive of sexual orientation and gender identity. To help us with this effort, please email [teapms@aclu-ms.org](mailto:teapms@aclu-ms.org).



## FROM NEW YORK TO MISSISSIPPI

Students from Hunter College in New York City, NY visited with us as part of The Grove Mississippi Service Corps, a prestigious and rigorous opportunity to learn from accomplished community leaders and scholars through a comparative lens about community cohesion, direct service, and urban development. Students conducted research in support of bail reform and learned about the important work that the ACLU of MS is doing to create a more just Mississippi. Pictured are Director of Communications and Advocacy Zakiya Summers; students Asmeron Nur, Poonam Das, and Sharon Young, and Advocacy Coordinator Shalonda Spencer at the Mississippi State Capitol.



## WINSTON COUNTY NAACP KING CELEBRATION

ACLU of MS Executive Director Jennifer Riley Collins provided an inspirational keynote at the Winston County NAACP Branch Dr. Martin Luther King, Jr. program. She is pictured here with Branch President Dean Miller and former State President Charles Hampton.



## WAAM & ITA-MS MAKES STAFF CONFERENCE APPEARANCE

The We Are All Mississippi Campaign and TEAP-MS's I Too Am Storytelling Project was featured during the ACLU Staff Conference in Houston, Texas this past February. Zakiya Summers provided a presentation that walked southern regional affiliates and colleagues through the journey of both programs from inception to today.

## INTERN SPOTLIGHT



### Gracie Gadow

is a Jackson, Mississippi native and St. Joseph High School graduate. She earned a B.A. in art history from Millsaps College,

where she also studied political science. She is currently in her second year at Mississippi College School of Law. Gracie is interning with the legal department at the ACLU because she is passionate about the work of the ACLU of Mississippi and believes that everyone should have access to justice.

# LET MISSISSIPPI VOTE



## 2019 ELECTION DATES

**AUG. 6:** PRIMARY  
**AUG. 27:** PRIMARY RUN-OFF\*  
**NOV. 5:** GENERAL  
**NOV. 26:** GENERAL RUN-OFF\*

**\*IF NECESSARY**

Polls open 7 a.m. - 7 p.m.



## VOTER ID

**You must show photo ID to vote in-person in Mississippi.**

## VOTER REGISTRATION DEADLINES

Register in-person at your county circuit clerk's office by 5 p.m. or postmark your application by these dates in order to participate in the upcoming elections. See Election Dates to the left.

**FOR PRIMARY ELECTION: JULY 8**

**FOR PRIMARY RUN-OFF ELECTION: JULY 29**

**FOR GENERAL ELECTION: OCT. 7**

**FOR GENERAL RUN-OFF ELECTION: OCT. 28**

To register to vote in Mississippi, you must:

- Be a U.S. Citizen
- Be a resident of Mississippi
- Be 18 years old at the time of the next election
- Live in the town where you are registering for at least 30 days
- Not be disenfranchised by one of the 23 crimes listed below

## Voter Rights

- No one can refuse your right to vote if you are legally eligible to vote.
- You cannot be threatened, intimidated, or paid to vote by anyone.
- If your name does not appear in the poll book or you lack a photo ID, you are entitled to an affidavit ballot. If you vote by affidavit ballot because you did not present a photo ID, you have **five** business days immediately following Election Day to present a photo ID or religious exception at your county circuit clerk's office.
- You may receive assistance if you have a disability, are blind or are not able to read or write. Some exceptions apply.

## KNOW YOUR RIGHTS

## Absentee Voting

You may vote by absentee at your county circuit clerk's office if:

- you will be away from your county on Election Day;
- you have temporarily relocated for educational purposes;
- you have a temporary or permanent physical disability;
- you will be with your spouse, child, or dependent who is hospitalized;
- you are 65 years of age or older;
- you are required to work on Election Day;
- you are a member, spouse, or dependent of the congressional delegation;
- you are a disabled war veteran (or spouse/dependent of) in a hospital;
- you are affiliated with the U.S. Armed Forces

**Absentee Voting** is available starting **June 22** for the *Primary Election* and **September 21** for the *General Election*.

**For more information, visit our  
Voting Resource Center at  
[www.aclu-ms.org/letMSvote](http://www.aclu-ms.org/letMSvote)**

## DISENFRANCHISING CRIMES

1. Arson
2. Armed Robbery
3. Bigamy
4. Bribery
5. Carjacking
6. Embezzlement
7. Extortion
8. Felony Bad Check
9. Felony Shoplifting
10. Forgery
11. Larceny
12. Murder
13. Perjury
14. Obtaining Money/Goods under False Pretenses
15. Rape
16. Receiving Stolen Property
17. Robbery
18. Theft
19. Timber Larceny
20. Unlawful Taking of Motor Vehicle
21. Statutory Rape
22. Larceny Under Lease or Rental Agreement
23. Voter Fraud

- Disenfranchised crimes take away citizens' voting rights for life due to a specific criminal conviction.
- Voting rights can only be restored if the state legislature passes a suffrage bill in your name or the governor issues a pardon.
- Federal and out of state convictions do **NOT** impact your voting rights in Mississippi.